

# THE BAROSSA COUNCIL CEMETERY MANAGEMENT POLICY



## 1. Purpose

- 1.1. To outline The Barossa Council's objectives with respect to Council owned and operated cemeteries, in accordance with the *Burial and Cremation Act 2013* (the "Act") and *Burial and Cremation Regulations 2014* (the "Regulations").
- 1.2. Council recognises that these community cemeteries are the resting place of many of the districts past pioneers and respected citizens and is committed to the efficient and effective management of these the cemeteries in a caring and equitable manner in line with community expectations.

## 2. Scope

- 2.1. This policy applies to operational cemeteries under the care and control of Council;
  - Nuriootpa – 20 Vine Street, Nuriootpa SA 5355
  - Angaston\* - 302 Angaston Road, Angaston SA 5355
  - Williamstown\* - 21 Church Street, Williamstown SA 5351
  - Lyndoch\* - 26-28 King Street, Lyndoch SA 5351
  - Mount Pleasant\* - 30 Herriot Road, Mount Pleasant SA 5235
  - Mount Crawford\*- 393 Mount Road Mount Crawford SA 5351
  - Eden Valley – 119 Rushlea Road, Eden Valley SA 5235

\*Denotes a cemetery listed on the South Australian Heritage Register - meaning the care, maintenance and development of the cemetery is subject to the requirements of the *Heritage Places Act 1993*.

## 3. Policy Statement

- 3.1. The management of interments and the granting of Interment Rights in Council's cemeteries is vested in the Council and delegated to its administration.
- 3.2. Council will maintain a plan of each cemetery that shows:
  - Each site at which human remains are interred;
  - Each site set aside for the interment of human remains; and
  - The number allocated to, or a description of, each site.
- 3.3. Existing Interment Rights (previously called lease) issued by Council prior to the development of this policy will be honoured by Council.
- 3.4. The cemeteries will not be segregated into areas based on religion or ethnicity. Council will have regard to the customs and specific needs of all those who apply for an Interment Right.
- 3.5. Cemetery Service Fees and Charges are set annually for all services provided at cemeteries as part of Council's budget process and published in Council's current Fees and Charges Register, available on Council's website.
- 3.6. Hours of Operation**
  - 3.6.1. All Council cemeteries are open to the public 24 hours a day, 7 days a week.
  - 3.6.2. The hours for interment are Monday to Friday between 9.00 am and 4.00 pm.

- 3.6.3. An interment outside of these hours may be available by special arrangement only, and will incur additional fees as per Council's current Fees and Charges Register, available on Council's website.
- 3.6.4. Weekend and Public holiday interments may be available by special arrangement only, and will incur additional fees as per Council's current Fees and Charges Register, available on Council's website.
- 3.6.5. There will be no interments on Christmas Day or Good Friday.

### **3.7. Visiting a Cemetery**

- 3.7.1. A person must not remove, damage, deface or interfere with;
  - Any building, memorial, other fixture or structure in a cemetery; or
  - Any part of the cemetery grounds including a tree, shrub, plant/flower or lawn
- 3.7.2. A person whilst within the cemetery grounds is not permitted to;
  - Disturb a funeral service, cause a nuisance or breach the peace; or
  - Discharge a firearm (except where approved at an armed services funeral); or
  - Consume alcohol, other than as part of a funeral service as authorised by Council; or
  - Deposit refuse, except in receptacles provided for the purpose.
- 3.7.3. No dogs shall be within cemetery grounds other than those held upon a leash.

### **3.8. Maintenance**

- 3.8.1. Council will maintain the area of the cemetery, including grassed areas, pathways, roadways, plants, fencing and structures and may remove or reposition any item that impedes the maintenance of the cemetery.
- 3.8.2. Any work undertaken by Council volunteers within a cemetery must be done in accordance with Council's *Volunteer Management Policy (19/70725\*)*.
- 3.8.3. For the safety and security of the general public, workers and the environment, no landscaping or maintenance of cemetery grounds, niche walls or memorial sites is permitted to be carried out by members of the public.
- 3.8.4. Over time, floral tributes will wither, weather and deteriorate affecting their presentation. Interment Right Holders are encouraged to remove these items before they become unsightly.
- 3.8.5. Council may prune, cut down or remove any plant, unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flower that is, in the opinion of Council, unsightly.
- 3.8.6. In the event that the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, Council may cause the site to be filled up to that level.

### **3.9. Issue of Interment Rights (previously called Lease)**

- 3.9.1. An Interment Right gives the Interment Right Holder the exclusive right to bury or inter human remains in the allotted site. The Interment Right Holder must use the site only for the interment of human remains, consistent with this Policy, the Act and Regulations.
- 3.9.2. Interment sites will be allocated by Council. Council will assess requests to allocate a specific site giving consideration to operational requirements and will not unreasonably withhold approval.

- 3.9.3. Interment Rights may be granted by Council to residents and non-residents for one or more sites within a cemetery on application and payment of the current fee as per Council's current Fees and Charges Register, available on Council's website.
- 3.9.4. The term of an Interment Right commences at the date of issue, not the date of the first interment. Council will not grant Interment Rights in perpetuity, the exception being within the Returned and Services League of Australia (RSL) Section of the Nuriootpa Cemetery.
- 3.9.5. Council reserves the right
- To refuse any application for an Interment Right or renewal;
  - To limit the number of Interment Rights issued to any person or entity;
  - To not permit a site to be used for burial or the placement of cremated remains; and
  - To permit the capacity of a burial site to be changed.
- 3.9.6 Council has the right to re-use an Interment site in accordance with the Act.
- 3.9.7 Interment Rights may be issued for the following:

In all grave sites there may be a maximum of three (3) burials and a maximum of 10 (ten) cremated remains interred.

(i) Grave sites for a multiple depth system of burial.

The term of the Interment Right is for a period of **50** years with renewal rights for a further period on the application of an Interment Right Holder or authorised person and payment of the current fee.

A burial site can be used for an adult, child or infant burial up to the permitted maximum.

(ii) Children's Section Grave sites for a single depth system of burial.

The term of Interment Right is for a period of **60** years with renewal rights for a further period on the application of an Interment Right Holder or authorised person and payment of the current fee.

A Children's Section burial site can be used for the burial of a single infant or single child under the age of 10 years.

Currently only Angaston and Nuriootpa cemeteries have a designated Children's Section.

(iii) RSL Section

The designated RSL Section in the Nuriootpa Cemetery has provision for the burial of, and placement of cremated remains, of deceased returned service members and their life partner who meet the criteria stipulated by the Nuriootpa RSL Sub Branch.

All decisions on eligibility will be made by the Nuriootpa RSL membership and their decision shall be binding.

Council administration will issue an Interment Right in perpetuity for a site in the designated RSL Section but will not charge an Interment Right fee.

(iv) Memory Garden, Memorial Rose Garden or Niche Walls

The term of Interment Right is for a period of **50** years with renewal rights for a further period on the application of an Interment Right Holder or authorised person and payment of the current fee.

(v) Scattering of ashes

Requests for scattering of ashes of deceased persons (or animals) in a Cemetery or on Community Land will not be approved.

Refer to Council's *Memorials on Council Land Policy* (19/31010\*)

(vi) Burial on Private Rural Land

In accordance with the Act, Council will receive application and may grant permission for a burial on private land outside "metropolitan Adelaide" and outside the boundary of a township.

(vii) Natural Burials

While there is no dedicated natural burial site in any of the Council cemeteries, natural burials can be carried out in all Barossa Council cemeteries. The use of a headstone is at the discretion of the Interment Right Holder.

### **3.10. Renewal or Transfer of Interment Rights (previously called Lease)**

#### 3.10.1. Renewal of Interment Right

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 the current fee.

#### 3.10.2. Surrender of an Interment Right

The Holder of an unexercised Interment Right may surrender the Interment Right to Council as per the Act.

#### 3.10.3. Transfer of Interment Rights

An Interment Right Holder for an unused interment site or niche may seek approval of Council to transfer the right to another person.

Council will not unreasonably withhold its approval to transfer an Interment Right. However, an administrative fee may be charged as per the current Fees and Charges Register, available on Council's website.

#### 3.10.4 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.

### **3.11. Interment of Human Remains**

3.11.1. All burials in Council cemeteries are to be requested by the Funeral Director, and approved by Council administration, and recorded in the Council's Customer Request Management System.

3.11.2. Funeral Directors are to provide a minimum of two (2) working days' notice that an interment is required. Where less notice is provided, Council staff may advise that the proposed interment cannot be accommodated.

3.11.3. Requests for the interment of cremated remains will be accepted from Funeral Directors or Interment Right Holders, and approved by Council administration, and recorded in the Council's Customer Request Management System.

3.11.4. Burials must be carried out by the Funeral Director as specified in the Customer Request.

3.11.5. Placement of cremated remains can be carried out by the Funeral Director, Interment Right Holder or Council employee as specified in the Customer Request.

- 3.11.6. Funeral Directors are responsible for providing the equipment and staff to undertake the burial of human remains. It is expected that the persons involved will be trained and competent to a level where they can undertake all necessary arrangements and foreseeable occurrences associated with the regulation of a burial service. Funeral Directors must hold the appropriate level of public liability insurance and provide proof of currency if requested by Council.
- 3.11.7. All requests to bury human remains in a Council cemetery must be accompanied by appropriate documentation in accordance with the Act and Regulations.
- 3.11.8. Council cannot allow the burial 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 the Act.

### **3.12. Cemetery Records**

- 3.12.1. Under the Act, Council, as the “relevant authority” must maintain and make available to the public documentation for each cemetery.
- 3.12.2. Council maintains a register of interments in the cemeteries to the best available knowledge and records.
- 3.12.3. Cemetery records are available for inspection by the public on request at the Principal Council office during Council office hours.

### **3.13. Access to an Interment Site**

- 3.13.1. The Opening and Closing of a burial site must be undertaken by a Council employee or a Contractor employed by the Council.
- 3.13.2. The allocation of a burial site must be confirmed with the Funeral Director or Monumental Mason by Council's administration, prior to any excavation or other work on the site being approved.
- 3.13.3. Council will not remove top stones/ledgers/granite slabs erected as part of a memorial to accommodate additional interments or memorial works. The Funeral Director or Monumental Mason is to make arrangements and the removal cost will be the responsibility of the Funeral Director or Monumental Mason.
- 3.13.4. Interment will not be permitted if the term of an Interment Right has expired.
- 3.13.5. Council reserves the right of a temporary access at any time on or across any interment site, for equipment and material as necessary for interment on adjoining sites or for other operational purposes.

### **3.14. Memorial (Headstone – Monument – Bronze plaque)**

- 3.14.1 No new memorial works shall be commenced on any interment site unless the Interment Right for the site is current and a Memorial Application has been submitted to and approved by Council administration.
- 3.14.2 New memorials should reflect the existing character of the area in which they will be located and be in a similar form and dimension to those adjacent or close by.

- 3.14.3 Only a Council employee or a Contractor approved by Council shall install a memorial headstone, full monument or plaque.
- 3.14.4 Full Monumental works must be kept within the confines of the allocated interment site.
- 3.14.5 Concrete surrounds must retain an internal measurement to allow for additional burials if required.
- 3.14.6 Headstones must be placed entirely on the beam within the confines of the allocated interment site.
- 3.14.7 Council will not be held responsible for damage to memorials through acts of vandalism, ageing or deterioration. Repair of damaged memorials is the responsibility of the Interment Right Holder.
- 3.14.8 Temporary grave markers, including wooden crosses, are permitted. If Council forms the opinion that marker has deteriorated to the extent that they are unreadable Council has the right to remove them.
- 3.14.9 Orders for all plaques for Niche wall, Memory Garden, Memorial Rose shall be placed by Council administration and the cost charged to the Interment Right Holder.
- 3.14.10 The ownership of memorials, headstones, 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.
- 3.14.11 In accordance with the Act, the Council may issue a notice to the Interment Right Holder of a memorial requiring repairs, removal or reinstatement of the memorial.
- 3.14.12 Council may act to remove any memorial or other structure that it deems, at its discretion, to be unsightly, in poor condition, dangerous or dilapidated or repair it consistent with the Act at the Interment Right Holder's cost.
- 3.14.13 Council may, after giving notice in accordance with the Act, remove and dispose of a memorial.

### **3.15. Ornaments (attached and unattached)**

#### 3.15.1. Full monument Section

Monumental works, attached ornaments, vases, flowers and wreaths must be kept within the confines of the interment site and must not be fixed to surrounding trees, plants or shrubs. Items that encroach on neighbouring sites may cause considerable distress. If Council forms the opinion that the items are offensive or have deteriorated to the extent that they are unsightly Council has the right to remove them.

#### 3.15.2. Lawn, Beam or Headstone Only Section

Ornaments, vases, flowers and wreaths must be attached to the headstone or its base and must not extend out on to the surrounding lawn section or be fixed to surrounding trees, plants or shrubs. Items that encroach upon the lawn hinder efficient maintenance and those that encroach on to neighbouring sites may cause considerable distress. If Council forms the opinion that the items are offensive or have deteriorated to the extent that they are unsightly Council has the right to remove them.

#### 3.15.3. Niche Walls

All Niche wall vases shall be ordered on request by the Interment Right Holder by Council administration and the cost charged to the Interment Right Holder.

Items other than an attached purpose built vase, on, or adjacent to, a niche are not permitted.

#### 3.15.4. Lighting

Solar powered lights or solar spikes on interment sites are not permitted, however, solar powered lights included in a permanent monument may be approved by Council.

All naked flames, such as candles and incense, are prohibited due to the risk of fire.

### 3.16. **Authorised Officers**

Council may appoint Authorised Officers to ensure administration and enforcement of Section 59 of the Act

## 4. **Supporting Processes and Documents**

- 4.15. User Guide – Cemetery – Processing a request for burial - Ref: CD/20/33\*
- 4.16. Management Plan Guidelines for South Australian Cemeteries 2005 McDougall & Vines
- 4.17. The Barossa Council Register of Interment Rights
- 4.18. The Barossa Council Fees and Charges Register
- 4.19. Australian Standard AS4204:2109 – Headstones and Cemetery Monuments

## 5. **Related Policies**

- 5.15. Memorials on Community Land – Ref 19/31010\*
- 5.16. Volunteer Management Policy – Ref 19/70725\*

## 6. **Legislation and References**

- 6.15. Burial and Cremation Act 2013
- 6.16. Burial and Cremation Regulations 2014
- 6.17. The Barossa Council - By Laws


## 7. **Review**


This Policy will be reviewed by the Council in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council's need changes.

## 8. **Further Information**

- 8.15. This Policy is available on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au) It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 8.16. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or [barossa@barossa.sa.gov.au](mailto:barossa@barossa.sa.gov.au) at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 8.15 above for availability).

## 9. **Document Control**

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|------------------------|-------------|---|---|
| <b>Corporate Link:</b> | <b>Plan</b> |  | 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service. |
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| 1.0                         | 15/06/2021                              |                  | New Policy                       |   |

## 10. 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 and Cremation Regulations 2014.

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|---|---|
| Act   | <i>The Burial and Cremation Act 2013</i>  |
| Attached ornament   | Permanently fastened, joined or connected to the memorial   |
| Business Day  | A day when Council is normally open for business – Monday to Friday, excluding Public Holidays and when Council's Principal Office may be closed (e.g. over the Christmas holiday period).  |
| Employee  | All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.  |
| Electronic Document and Records Management System ("EDRMS") | An automated system used to manage the creation, use, management, storage and disposal of physical and electronic Documents and Records, for the purposes of supporting the creation, revision and management of digital Documents; improving Council's work-flow, and providing evidence of business activities.   |
| Interment Right Holder                                      | A person who is authorised by Council to hold the exclusive right to bury or inter human remains in an allotted site. The Interment Right Holder must use the site only for the interment of human remains, consistent with this Policy, the Act and Regulations.   |
| Regulations   | <i>The Burial and Cremation Regulations 2014</i>  |
| Supervisor  | Any direct line supervisor, including Chief Executive Officer, Director, Team Manager, Line Manager, Coordinator, Supervisor or Leading Worker who are responsible for Worker(s) reporting to them.   |
| Unattached ornament   | Not permanently fastened, joined or connected to the memorial   |
| Worker  | A person is a worker if the person carries out work in any capacity for Council, including work as: <ul style="list-style-type: none"> <li>(a) an employee; or</li> <li>(b) a contractor or subcontractor; or</li> <li>(c) an employee of a contractor or subcontractor; or</li> <li>(d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or</li> <li>(e) an outworker; or</li> <li>(f) an apprentice or trainee; or</li> <li>(g) a student gaining work experience; or</li> <li>(h) a volunteer; or</li> <li>(i) a person of a prescribed class.</li> </ul> |