District Council of
Loxton Waikerie

CEMETERIES AND NATURAL BURIAL GROUNDS POLICY

Responsible Officer/s	Director of Commercial and Community Services
Relevant Legislation / Documents	Burial and Cremation Act 2013
Adopted	17 June 2016
Reviewed	18 December 2024
Next Review	Once in each term of Council (every 4 years)

A. Purpose

This policy outlines the District Council of Loxton Waikerie's (Council) objectives in respect of Council owned and operated cemeteries, natural burial grounds and crematoria. It has regard to the *Burial and Cremation Act 2013* (the Act) and the *Burial and Cremation Regulations 2014* under which Council cemetery authorities must meet revised requirements for the operation and regulation of cemeteries, natural burial grounds and crematoria within the Council area.

B. Objective

To provide a defined process to ensure cemeteries under the care, control and management of the Council are managed and maintained to a high standard of presentation relative to the resourcing and funding available and in accordance with the Burial and Cremation Act 2013 and relevant Regulations.

C. Policy

The policy applies to cemetery and natural burial facilities located, owned or operated by Council in the townships/settlements of:

- Alawoona
- Bugle Hut
- Kingston-on-Murray
- Loxton
- Meribah
- Moorook
- Paruna
- Ramco
- Waikerie
- Kaesler
- Taplan

Each cemetery and natural burial ground 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 and natural burial grounds 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 as an important family memorial place
- remaining interment sites available,

1. Issue of interment rights

Interment rights may be granted by Council for one or more sites within a cemetery or natural burial ground 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 will be issued for a period of 99 years. All fees applicable to cemeteries can be found on the Fees and Charges Register and are subject to yearly review.

As of January 2025, no specific plot can be reserved and interment rights will be issued for the next available plot at the time of interment. The exception to this is that an additional plot can be reserved at the time of an interment, alongside the deceased by the interment right holder, upon payment of the relevant administration fees.

If the interment right holder chooses not to take out additional interment rights for the adjoining plots at the time of an interment, these plots will not be kept vacant and will be used as required.

All existing interment rights issued prior to January 1 2025 will be honored as per the terms applicable at the time of taking out the interment right.

Cemetery interment right holders may seek approval of the Council to surrender or transfer the right to another person/family in accordance with the Act.

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.

Interment rights may be issued for the following:

1.1 Grave sites (for new interments) for a 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.)

1.2 Grave sites (for new interments) for a single depth system of burial – Ramco Cemetery

Due to soil composition the burial site can only be used to accommodate one family member 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)

1.3 Rose garden memorial or niche walls

The term of an interment right for ashes, in a memorial, niche wall or rose garden memorial 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 rose garden memorial or niche walls, applicants should note that Council has a strong preference for plaques to be consistent with the prevailing style in our rose garden or niche wall. Council would prefer that applicants order memorial plaques through Council to stay consistent with our current style and will only consider the usage of plaques from another location when it is mainly keeping with the prevailing style in our rose garden or niche wall.

Application for approval to relocate ashes must be filled out prior to relocation occurring. A funeral director or qualified professional needs to be engaged by family for exhumation of cremated remains from natural ground only and all costs associated with removal will be charged accordingly by a funeral director. Removal of ashes from memorial walls will be completed by Council staff and charged accordingly.

1.4 Scattering of ashes

Council has no Legislative basis to cover the scattering of cremated remains on private property. No interment right is required for scattering of cremated remains in a cemetery or natural burial ground. However, prior approval of the Council is required. (See section 36 of the Act.)

1.5 Position of coffin for burial

The position of the coffin is at the discretion of the family and is to form part of discussions with the funeral director and noted accordingly on Council records.

2. Renewal or transfer of interment rights

2.1 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.)

2.2 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

2.3 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.

3. Reuse of interment sites

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 right 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

4. Disposal of human remains and cremains

4.1 On rural land

In accordance with sub-section 8(2) of the Act, the Council will receive applications and may grant permission for a burial on private land outside "metropolitan Adelaide" and outside the boundary of a township. The request must be made on the Application for Burial on Non Cemetery Land at least 8 weeks prior to applicant becoming deceased so as to ensure application has time to go before full Council for consideration.

4.2 Documentation

All applications for a right to inter bodily remains in a Council cemetery or natural burial ground 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 or natural burial grounds 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.

4.3 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 or natural burial ground.

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

4.4 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

5. Animal Remains

All cemeteries within the Loxton Waikerie Council district are for human remains only and animals will not be allowed.

6. Memorials

6.1 Duty to Maintain Monuments

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

6.2 Headstones or Plaques

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

6.3 Installation of headstones or plaques

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

6.4 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 or unsafe.

6.5 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.

6.6 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.

7. Service fees and charges

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

8. Neglected cemeteries and natural burial grounds

If Council is of the opinion that a cemetery or natural burial ground within its area is in a neglected condition or fails to comply with the requirements of the Act the Council may, by notice in writing, require the governing body to remedy the conditions of neglect or non-compliance. If those remedial works are not undertaken in accordance with the Act the Council may undertake the work and recover the costs from the governing body or Interment right holder. (See section 46 of the Act.)

The Authority on which the notice is issued can apply to the District Court for a review of the decision.

Council has the right to fill any sunken graves whereby the only work undertaken is to alleviate the problem and render the site safe, to provide fill as per Part 16 of the Burial and Cremations Regulations 2014.

9. Authorised officers

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

D. Availability

This Policy will be available for inspection at the Council Offices at Loxton or Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Councils website: www.loxtonwaikerie.sa.gov.au or postal copies may be obtained from the Council Office free of charge.

This policy will be available in Council's Electronic Document Management System (Content Manager).

E. Document history and version control

Date	Version	Authorisation	Amendment Details
17/06/2016	1.0	Council at the meeting of 17 June 2016	First version
15/06/2018	1.1	Council at the meeting of 15 June 2018	Addition of Council's values statement only.
21/06/2023	1.2	Council at the meeting of 21 June 2023	Removal of 7.7 Additional Wording Additional cemetery locations Addition of 5. And the prohibition of animal remains Addition of 1.5 and position coffin
18/12/2024	1.3	Council at the meeting of 18 December 2024	Reworded Objective wording Additional Wording 1.0 Interment Rights Changed wording 1.3 Removal of wording 6.2 Additional wording 6.4