	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">CEMETERY PROCEDURE</p>	Policy Number Version Number Issued Last Review Next Review GDS	P1.50 2 August 2018 February 2023 February 2028 9.63.1.1
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CEMETERY PROCEDURE

1 Policy Statement

Clear guidelines as to the management of cemeteries under the care, control and management of The Flinders Ranges Council (Council) will be provided to maintain a high standard of integrity for each location, taking into account the wishes of the different cultural and religious groups within the community.

2 Definitions

Words and Phrases in this Policy have the same meaning as they do under the *Burial and Cremation Act 2013* (the Act) and the *Burial and Cremation Regulations 2014* (the Regulations).

3 Purpose

This Policy outlines Council's objectives to ensure the management of cemeteries under the care, control and management of the Council is of a high standard and is conducted in accordance with the provisions under the Act and the Regulations.

The Council recognises that its cemeteries are also the resting place of many of the district's pioneers and respected citizens, and commits to efficiently and effectively managing them in a caring and equitable manner that meets the needs of the community.

This Policy applies to the following cemetery facilities owned or operated by Council:

3.1. Quorn Cemetery; and

3.2. Hawker Cemetery.

4 Responsibility and Review

4.1 Director of Works is responsible for the review of this Policy;

4.2 Under Section 53 of the Act, The Council, as the relevant authority, must maintain and make available to the public, documentation for each cemetery;

4.3 Copies of the registers and plans of the Council's cemeteries are available for inspection by members of the public during normal Council Office hours;

4.4 This Policy is to be reviewed:

4.4.1. within 12 months after a General Election

4.4.2. in line with any legislative changes; or

4.4.3. by resolution of the Council.

5 Procedure


5.1 Cemetery and Funeral Provisions

5.1.1 All cemeteries in the Council area provide for rights for burial purposes in perpetuity pursuant to Section 31 of the Act.

5.1.2 The Council does not offer a pre-paid or pre-need.


5.2 Interments/Burials

5.2.1 Interment rights may be granted by the 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

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of the interment right may use the site only for interment of human remains consistent with this Policy and the Act. Council grants interment rights in perpetuity;

- 5.2.2 A person/family holding an interment right for an unused burial site or memorial wall may seek approval of the Council to surrender (Section 34 of the Act) or transfer (Section 33 of the Act) the right to another person/family. Council will not unreasonably withhold its approval however, administrative fees for the surrender, formal transfer and recording in the Council's register will be at the cost of the holder of the interment right in accordance with Schedule 1 of the Regulations;
- 5.2.3 Council may issue a copy or replacement of an interment right certificate upon receipt of a Statutory Declaration by the interment right holder (or an Authorised Representative), which sets out the circumstances in which the formal documentation was lost;
- 5.2.4 All applications for a right to inter human remains in a Council cemetery must be accompanied by appropriate documentation in accordance with Section 12 of the Act, Regulation 9 of the Regulations and this Policy;
- 5.2.5 All interments in Council owned/operated cemeteries are to be approved by the Council using the 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;
- 5.2.6 Interments/burials must not commence more than 30 minutes prior to, nor 30 minutes after, the stipulated time on the Cemetery/Grave Order form. Extenuating circumstances immediately prior to the scheduled timing must be advised to either the Administration Office or the Works Manager on (08) 8620 0500;
- 5.2.7 Notice provisions for burials
- At least two (2) days' notice of all burials must be given to Council prior to burial taking place and burial may only occur after Council is provided with:
- 5.2.7.1. Register of Burial Form; and
 - 5.2.7.2. Death Certificate.
- 5.2.8 Notice provisions for cremated remains
- At least two (2) days' notice of interment of cremated remains must be given to Council prior to interment taking place and cremated remains can only be interred once Council has been provided with:
- 5.2.8.1. Register of Burial Form; and
 - 5.2.8.2. Death Certificate; and
 - 5.2.8.3. Cremation Certificate.
- 5.2.9 Cremated Remains Burial – Niche Wall
- 5.2.9.1. Plaque must be ordered before ashes are interred in the Niche Wall;
 - 5.2.9.2. Ashes must be transferred to 'a special canister' either by the family or the Funeral Director; and
 - 5.2.9.3. Council staff do not handle cremated remains.
- 5.2.10 Cremated Remains Burial – Garden Area
- Interment may only occur after Council is provided with:
- 5.2.10.1. Register of Burial Form;
 - 5.2.10.2. Death Certificate; and
 - 5.2.10.3. Cremation Certificate.

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5.2.11 Depth

- 5.2.11.1. All gravesites will be at a depth of 2.15m, unless a greater depth is requested by a Funeral Director;
- 5.2.11.2. Infant/Baby gravesites will be 1350mm deep, 600mm wide; and
- 5.2.11.3. 1800mm in length (when allowing for four (4) steps) for families who wish to place the coffin in the grave; or
- 5.2.11.4. 1500mm in length if the Funeral Director lowers the casket using their equipment.

5.2.12 Perinatal Gestation


- 5.2.12.1. Perinatal Gestation has 'no legal presentation' and therefore no documentation is provided (i.e. birth or death certificates) from any Government Agency. The Funeral Director must state on the 'Register of Burial' Form – 'perinatal gestation and has no legal presentation' to enable the burial to proceed. Council will enter this statement into the burials database as a record of this burial; and
- 5.2.12.2. Interments/burials must not commence more than 30 minutes prior to nor 30 minutes after the stipulated time on the Cemetery/Grave Order form. Extenuating circumstances immediately prior to the scheduled timing must be advised to either the Administration Office or the Director of Works on (08) 8620 0500.

5.3 Re-opening of gravesites

- 5.3.1 The re-opening of gravesites to receive additional human remains will be permitted provided the burial meets appropriate regulations and the depth of the previous burial is known to be at "double depth", except for:
 - 5.3.1.1. Baby-Infant Plots.
- 5.3.2 The reason for not permitting graves to be re-opened in relation to the above is as follows:
 - 5.3.2.1. Baby-Infant Plots – original interment is already at minimum depth allowed by regulation.
 - 5.3.2.2. Lack of definitive records relating to burials prior to 1 January 1997, changes in regulations, and prior erosion at Hawker Cemetery.
- 5.3.3 The Director of Work Works and / or Chief Executive Officer can review an application where clause 5.3.1 does not permit a reopening, based on individual circumstances, and authorise a burial if deemed appropriate.

5.4 Authorised Representation

- 5.4.1 All dealings in relation to the interment and/or removal of remains will be conducted with the Authorised Representative of the deceased;
- 5.4.2 The Authorised Representative will be the person who satisfies Council that they are a person entitled to exercise rights of the Authorised Person and being the highest ranking person in descending order of entitlement:
 - 5.4.2.1. the sole executor or administrator in whose name the RIGHT OF BURIAL is issued; or
 - 5.4.2.2. a joint executor or administrator (with permission from all others); or
 - 5.4.2.3. the eldest living and legally capable child of the deceased; or
 - 5.4.2.4. the eldest living and legally capable grandchild of the deceased; or
 - 5.4.2.5. the eldest living and legally capable sibling of the deceased; or
 - 5.4.2.6. the eldest living and legally capable blood relative of the deceased; or

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5.4.2.7. other blood relative of the deceased as presented to Council;

5.4.3 The Council will make all reasonable enquiries to determine the status of a person making application with the Council to exercise the rights of an Authorised Person.

5.5 Removal of Cremated Remains

5.5.1 Only an Authorised Representative will be entitled to make application to Council for the removal of cremated remains;

5.5.2 An Authorised Representative wishing to remove cremated remains must complete and submit to Council for approval an 'Application to Remove Cremated Remains' form so as to make the necessary arrangements;

5.5.3 These provisions must be read in conjunction with Clause 5.3.

5.6 Segregation

5.6.1 Cemeteries will not be formally segregated into areas based on religion or ethnicity alone, however Council will have regard to the customs, practices and specific needs of all those who apply for a Cemetery interment permit. However, the Hawker Cemetery does have an aboriginal section which is still used;

5.6.2 In considering applications and/or renewal of interment rights Council will have regard to matters including but not necessarily limited to:

5.6.2.1. the cemetery's local historical significance as a burial place for many of the pioneers of the area;

5.6.2.2. 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; and

5.6.2.3. remaining interment sites available, recognition of 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.

5.7 Memorials within Cemeteries

5.7.1 Headstone/Tombstone Provision

5.7.1.1. The provision and ongoing maintenance of tombstones (or any other construction erected or placed over the grave) at the Quorn and Hawker Cemeteries are the responsibility of the family of the deceased; and


5.7.1.2. The ongoing maintenance of headstones at all closed cemeteries are the responsibility of Council. However, Council is only required to maintain the position of the headstone and is not responsible for maintaining the legibility of any engraving/scrolling or other physical elements.

5.7.2 Plaques

5.7.2.1. The cost of plaques is calculated and included as part of Council's cemetery fee structure. Council is therefore responsible for ordering plaques with design and layout of plaques to be determined in negotiation with the family of the deceased. Council is not responsible for maintenance of the plaques;

5.7.2.2. Plaques will not be ordered until the cemetery fees have been paid in full;

5.7.2.3. Plaque order forms are to be completed and signed by an Authorised Representative within 12 months of interment. If plaque order forms are not completed within this timeframe by an Authorised Representative and Council has taken reasonable steps to locate an Authorised Representative, the following process will be undertaken:

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5.7.2.3.1. another family member will be permitted, on application to Council, and Council being satisfied of their relationship to the deceased, to complete the plaque order form; or

5.7.2.3.2. Council will arrange for a plaque order to be completed in which case any future changes to this plaque will be at the cost of the person requesting those changes;

5.7.2.4. As outlined in Clause 5.2.9 plaques for Niche Wall (Cremated Remains) must be ordered prior to ashes being interred in the wall.

5.7.3 Ornaments and Tributes

5.7.3.1. The Council acknowledges the importance of tributes at grave sites, however safety standards must be maintained in regard to 'tributes' to ensure that the environment remains in a safe and presentable condition for staff and visitors; and

5.7.3.2. The Council has the FRC Policy G1.41 Memorials for the placement of Tributes and Cemetery Ground Management to ensure members of the community are aware of their responsibilities in this regard.

5.7.4 Memorial Furniture Requests

5.7.4.1. Families wanting to install memorial seating etc. within Council's Cemeteries must apply in writing for approval from the Works Manager; and

5.7.4.2. All applications will be assessed on a case by case basis and must comply with Council's Memorials Policy G1.41.

5.7.5 Relocation of Headstones

5.7.5.1 Council has set aside areas in the Quorn and Hawker Cemeteries for families with a connection to the Council area to relocate headstones from other cemeteries where the lease at that cemetery has expired and the headstones must be removed.

5.7.5.2 Connection with the Council area is determined to be:

5.7.5.2.1 Born in the Council area;

5.7.5.2.2 Have lived in the Council area for more than one year;

5.7.5.2.3 Have family currently living in the Council area; or

5.7.5.2.4 Other connection as approved by Council.

5.8 Maintenance of Memorials

5.8.1 Save for the matters set out above, the Council is not responsible for the upkeep, repair or maintenance of any memorial; and


5.8.2 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 remove any structure deemed to be unsightly, in poor condition or dilapidated. Alternatively, the Council may repair it consistent with Section 41 of the Act at the owner's cost.

5.9 Consumption of Alcohol

5.9.1 Council does not permit the consumption of alcohol within cemeteries; and

5.9.2 It is important that the public be mindful the consumption of alcohol within any cemetery in the Council area could lead to an expiation notice being issued.

5.10 Authorised Officers

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- 5.10.1 Council may appoint authorised officers to ensure administration and enforcement of the Act in accordance with Section 59 of the Act.

5.11 Cemetery Fees

- 5.11.1 Council determines its cemetery fees on an annual basis as part of its budget deliberation process;
- 5.11.2 Fees and charges can be found within the Council's Fees and Charges Register;
- 5.11.3 A copy of the Fees and Charges Register can be obtained from Council's website www.frc.sa.gov.au or can be inspected at Council's principal office at 1 Seventh Street, Quorn SA 5433. Extracts from the Fees and Charges Register can be obtained upon payment of the relevant fee; and
- 5.11.4 When cemetery fees are being paid, staff must ensure that the applicant paying the fees is the person listed on the Interment Application form and is the applicant who has the authority to issue instructions to bury the deceased and to order the plaque.

6 Audits

6.1 Site Inspections

- 6.1.1 Monthly inspection of Quorn Cemetery and Hawker Cemetery will be undertaken to ensure compliance with contract provisions; and
- 6.1.2 Six monthly inspection of all Cemeteries will be undertaken to review infrastructure and WHS issues.

7 Review

To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

8 Legislation

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

9 Availability of Policy

This Policy and the Register of Cemeteries can be obtained from the Council's website www.frc.sa.gov.au or can be inspected at the Council's principal office located at 1 Seventh Street, Quorn SA 5433 during normal business hours.

Copies of this Policy can also be provided upon payment of a fee in accordance with Council's Schedule of Fees and Charges

Adopted by Council xxx 2018
Resolution xxx/2018

Review Date	Version Number	Change	Resolution
9 October 2018	Draft 1	Released for Public Consultation	230/2018
18 December 2018	1	Adopted by Council	273/2018
21 March 2023	2	Minor grammar and formatting changes only	46/2023