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Responsible Officer:	Chief Executive Officer
Applicable Legislation:	Burial & Cremation Act 2013 Burial & Cremation Regulations 2014
Relevant Policies:	
Related Procedures:	
Compliance Standard:	

1. Purpose

This policy outlines the District Council of Robe's objectives in respect of the Council owned and operated cemetery. It has regard to the *Burial and Cremation Act 2013* (the Act) and the *Burial & Cremation Regulations 2014* under which Council must meet revised requirements for the operation and regulation of cemeteries within the Council area. Council recognises that these community cemeteries are the resting place of many of the district's pioneer and respected citizens and will efficiently and effectively manage them in a caring and equitable manner to meet the needs of its community.

2. 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 & Cremation Regulations 2014*.

3. Principles

The policy applies to the cemetery, owned and operated by Council in Robe. 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.

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

In considering applications Council will have regard to:

- 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 (Attachment 1) may use the site only for interment of human remains consistent with this Policy and the *Burial and Cremation Act 2013*.

Council will grant interment rights in perpetuity.

Interment rights may be issued for the following:

4.1 Grave sites (for new interments) for a dual depth system of burial

The site can be used to accommodate family members and the term of the interment right is in perpetuity. (See section 30 of the Act.)

4.2 Memorial or niche walls

The term of an interment right for ashes, in a memorial or niche wall is in perpetuity.

4.3 Vaults

Council may on application approve the construction of a water tight vault (distinct from a mausoleum) of either single or dual capacity depth. Approval will be subject to soil and ground water conditions, design and specifications. Construction will be in accordance with the specifications provided and subject to supervision of Council's building supervisor or a contractor approved by Council. (See section 30 of the Act.)

4.4 Scattering of ashes

No interment right is required for scattering of cremated remains in a cemetery. However, prior approval of the Council is required (See section 36 of the Act.).

5. Transfer of Interment Rights

5.1 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 (See Attachment 2). 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. Disposal of Human Remains

6.1 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 the boundary of a township. The request must be made on the application form (Attachment 4) appended to this policy.

6.2 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 application form appended to this Policy (See Attachment 3). 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.

6.3 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.

6.4 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

7. Memorials

7.1 Headstones or Plaques

Headstones or plaques which do not exceed the dimensions below do not require specific Council approval.

- Headstone for Standard (single) site: 100cm wide and 80cm high

If a larger plaque or headstone size is required, application may be made to Council for approval. Council may issue approval, subject to specific conditions.

7.2 Installation of headstones or plaques

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

7.3 Ornaments

Breakable ornaments or tributes placed on a plinth adjacent to a site shall not exceed 40cm in height, two flower vases are allowed per site. 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.

7.4 Lighting

Solar powered lights or spikes on individual sites are prohibited.

7.5 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. Reservations

Council will allow reservations for sites in the North and Lawn sections of the Robe cemetery. The Historical section of the Robe cemetery is fully allocated and there will be no further reservations.

North and Lawn section reservation requests must be submitted in writing to Council and Council's administration staff have the authority to assess and make decisions on reserving sites.

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.

FURTHER INFORMATION

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.robe.sa.gov.au

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email council@robe.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

POLICY REVIEW

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).

Interment Right

Attachment 1

District Council of Robe hereby grants interment rights to

_____ (the "Interment Right Holder")
of _____

for the exclusive right of interment of human remains / interment of cremated human remains / memorialisation without human remains at Robe Cemetery in the site designated below for a term in perpetuity.

The interment right is granted in accordance with the *Burial and Cremation Act 2013* and is subject to the rules of the Council which are in force during the term of this interment right. The Interment Right Holder or an authorised person can apply to have the Interment Right transferred to another party.

As from _____ Expiring on _____

Type of interment right _____

Site location _____

Interments at site

Name	Interment Type	Interment Date	Interment Level

Signed (CEO)

Date

Transfer of Interment Right

Application for transfer of interment right

Attachment 2

Type of interment right: _____

Site location: _____

Currently in the name(s) of: _____

Please select and complete all details for either A (current interment right holder/s) or B (authorised Person) below and sign in front of a JP on page 2.

A. I, the current registered interment right holder, do solemnly and sincerely declare that:

I, (full name) _____ (date of birth) _____

of (address) _____

(telephone) _____ (mobile) _____

(email) _____

(And) I, (full name) _____ (date of birth) _____

of (address) _____

(telephone) _____ (mobile) _____

(email) _____

do hereby authorise the transfer of my rights, title and interest in this interment right.

OR

B. I, the authorised person, do solemnly and sincerely declare that:

I, (full name) _____ (date of birth) _____

of (address) _____

(telephone) _____ (mobile) _____

(email) _____

Being a person having the right to exercise a Power of Attorney for the interment right holder. (Please attach a copy of the Power of Attorney) : OR

Being a person entitled to exercise the rights granted to the interment right holder upon the interment right holder's death, and being the highest ranking person of entitlement in relation to the deceased interment right holder, and having provided proof of my identity (Council has the right to determine the criteria to determine the relationship and entitlement of any person claiming a substituted right)

do hereby request the interment right to be transferred to the new interment right holder as detailed below.

I, the CURRENT INTERMENT RIGHT HOLDER/S or AUTHORISED PERSON, understand that the said interment right (*Interment Right Number: ____*) is unencumbered and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1936*.

Signed: _____ (Interment right holder of authorised person)

Signed: _____ (Interment right holder 2)

This section must be signed in front of a Justice of the Peace or Commissioner of Affidavits.

Declare and subscribed at _____
this _____ day of _____ Year

Before me (Full Name) _____

A Justice of the Peace or (Signed
JP/Commissioner) Commissioner for Affidavits _____

NEW INTERMENT RIGHT HOLDER (1 ONLY – PLEASE INSERT FULL DETAILS)

Title: Dr Mr Ms Mrs Miss

Full Name: _____
of: _____
Suburb: _____ State: _____ Postcode: _____
Date of Birth: _____
Tel (W) _____ Tel (H) _____
Mobile _____
Email: _____

hereby accept the transfer of the above interment right to my name.

NEW INTERMENT RIGHT HOLDER TO SIGN – not in front of JP

I _____
(Full name of new interment right holder)

Signed: _____ Date: _____

Burial Application

Burial Authority

Attachment 3

This form must be completed by the interment right holder *or* a person authorised to exercise the interment right in accordance with Section 35 of the *Burial and Cremation Act 2013* (see overleaf).

DECEASED DETAILS

Title: Dr Mr Ms Mrs Miss Gender: M F
First Name/s: _____ Last Name: _____
Date of Birth: _____ Date of Death: _____ Age: _____
Last Known Address: _____
Suburb: _____ State: _____ Postcode: _____

The deceased person died of natural causes Yes No

Authorisation for the Certificate of Identification was issued by: _____

INTERMENT LOCATION – please select ONE ONLY

A Council to allocate new interment right

B Existing location at Robe Cemetery

Name of right holders/s _____ Right Number: _____
Location Details: _____ Expiry Date: _____
Current Address: _____
Suburb: _____ State: _____ Postcode: _____
Date of Birth: _____
Existing interments at Site: Yes No

INSTRUCTION FOR INTERMENT – please enter details and indicate as applicable

Interment Depth 1 2 Lift and Deepen Required Yes No
Coffin Size (in millimetres) _____
(Length x Width)
Coffin Type Coffin Casket
Number of Previous Interments and Depths: _____
Name of Funeral Company: _____
Arranger Name (please print) _____ Arranger Signature: _____

AUTHORISED PERSON DETAILS

Title: Dr Mr Ms Mrs Miss Gender: M F Date of Birth: _____
First Name/s: _____ Last Name: _____
Address: _____
Suburb: _____ State: _____ Postcode: _____
Tel (W) _____ Tel (H) _____ Mobile _____
Relationship to Deceased: _____ Email: _____

I acknowledge that I have read and understand my rights and responsibilities and declare that I am the interment right holder or a person authorised to exercise the interment right in accordance with the conditions listed below.

Authorised Person's Signature: _____ **Date:** _____

NB Copies of documentation which meet the requirements of section 12.2 of the Burial and Cremation Act 2013 and Regulation 9 must be provided.

Attached Yes No

Your rights and responsibilities:

New interment right

- If a new interment right is being requested in order to facilitate this burial, the Authorised Person will become the interment right holder.
- In signing this Burial Authority, the Authorised Person acknowledges receipt of a Statement by the Funeral Director if a new interment is required.
- An interment rights will only be granted to one interment right holder.

Authority to exercise the interment right

- Only the interment right holder may exercise an interment right, provided that if the interment right holder is deceased the interment right may be exercised by the person representative of the deceased interment right holder (by definition the Executor or Administrator of the Deceased Estate) in accordance with section 35 of the *Burial and Cremation Act 2013*.
- If there is no personal representative the interment right may be exercised in accordance with regulation 32 of the *Burial and Cremation Regulations 2014* as follows:
 - by the spouse of domestic partner of the deceased interment right holder;
or
 - if there is no surviving spouse or domestic partner – by the eldest living relative of the deceased interment right holder in the following descending order of priority:
 - a child;
 - a grandchild or great-grandchild;
 - a brother or sister;
 - a parent;
 - a grandparent;
 - an aunt or uncle;
 - a nephew or niece;
 - a cousin;
 - any other blood relative

Burial Application

Attachment 4

Request for permission to inter bodily remains on land other than a cemetery.

Application can only be made for sites outside township boundaries.

DECEASED DETAILS

Title: Dr Mr Ms Mrs Miss Gender: M F
First Name/s: _____ Last Name: _____
Date of Birth: _____ Date of Death: _____ Age: _____
Last Known Address: _____
Suburb: _____ State: _____ Postcode: _____

The deceased person died of natural causes Yes No

Authorisation for the Certificate of Identification was issued by: _____

INTERMENT LOCATION AND DETAILS

Address of property: _____
Suburb/Township: _____ State: _____ Postcode: _____
General description of the area to be used: _____

Coordinates of the location: _____
Intended interment depth: _____
(Interment must be of at least 1 metre) at a depth

Please attach a map showing the intended location of the grave or natural burial site. Identify any features and estimate the distance to surrounding structures. NB The site must be at least 20 metres away from any building, structure or water well.

Attached Yes No

LAND OWNER DETAILS

Title: Dr Mr Ms Mrs Miss
First Name/s: _____ Last Name: _____
Address: _____
Suburb: _____ State: _____ Postcode: _____
Tel (W) _____ Tel (H) _____ Mobile _____
Relationship to Deceased (if any): _____ Email: _____

NB Proof of permission of the land owner must be provided.

Attached Yes No

FUNERAL DIRECTOR DETAILS

Name of Funeral Company: _____
Arranger Name (please print) _____ Arranger Signature: _____

AUTHORISED PERSON DETAILS

Title: Dr Mr Ms Mrs Miss Gender: M F Date of Birth: _____
First Name/s: _____ Last Name: _____
Address: _____
Suburb: _____ State: _____ Postcode: _____
Tel (W) _____ Tel (H) _____ Mobile _____
Relationship to Deceased: _____ Email: _____

I acknowledge that I am a person authorised to exercise the interment in accordance with the conditions listed below.

Authorised Person's Signature: _____ Date: _____

NB Copies of documentation which meets the requirements of section 12.2 of the *Burial and Cremation Act 2013* and Regulation 9 must be provided.

Attached Yes No