	Cemetery Management Policy	Version No:	2
		Issued:	May 2017
		Last Review:	May 2026
		Next Review:	May 2029

Name of Council:	Wudinna District Council
File Reference:	9.63
Responsibility:	Governance
Minutes Reference:	11.2.3, 15 September 2026
Next Review Date:	Council will endeavour to review this policy every three years, including within 12 months following Council's general election
Applicable Legislation:	Burial and Cremation Act 2013 Burial and Cremation Regulations 2014 Local Government Act 1999 Planning, Development and Infrastructure Act 2016 Work Health and Safety Regulations Burial and Cremation Act 2023 No. 5 Births, Death and Marriages Registration Regulations 2011 Heritage Places Act 1993 Work Health and Safety Act 2012 Work Health and Safety Regulations 2012 Aboriginal Heritage Act 1988 Aboriginal Heritage Regulations 2017
Related Policies:	Asset Management and Accounting Policy Risk Management Policy Procurement and Disposal Policy Records Management Policy
Related Forms:	Application for Interment Right Application for Transfer of Interment Right Renewal of Interment Right Interment Right Approval Application for Memorial Burial Application Placement of Cremated Remains Application Application to Inter Bodily Remains on Private Land

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1. PURPOSE

This policy outlines Wudinna District Council's objectives in respect of Council owned and operated cemeteries. It has regard to the *Burial and Cremation Act 2013* ("the Act") and the *Burial and Cremation Regulations 2014* ("the Regulations") under which cemetery authorities 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 pioneers 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 (the Act)* and the *Burial and Cremation Regulations 2014 (the Regulations).*

3. PRINCIPLES

The policy applies to cemeteries located, owned or operated by Council in the townships of:

- Kyancutta
- Minnipa
- Warramboo
- Wudinna
- Yaninee

Each township cemetery is overseen by a Committee of Council constituted under Section 41 of the *Local Government Act 1999.*

The management of burial 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 be segregated into areas based on religion or ethnicity in accordance with Section 23 of the Act. Council will have regard to the customs and specific needs of all those who apply for an interment right.

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

a) the Cemetery's local historical significance as a burial place for many of the pioneers of the area,
b) 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,
c) 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 may grant interment rights in perpetuity at its discretion, with authorisation from the Chief Executive Officer or General Manager Works and Infrastructure.

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A review of interments with Council cemeteries was undertaken and recommendations provided to the July 2014 meeting of Council. It was determined that any burials prior to burial #415 (inclusive) will have an interment right for ninety-nine years commencing from the date of burial. Any burial after #415 is to be subject to an interment right period of fifty years.

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 fifty years with renewal rights for an additional period on the application of an interment right holder or authorised person – see Section 30 of the Act. This will include ashes interred in a burial site.

4.2. Columbarium (Niche Wall)
The term of an interment right for ashes, in a columbarium is for a period of fifty years with renewal rights for an additional period on the application of an interment right holder or authorised person – see Section 30 of the Act.

4.3. 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. 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 columbarium niche 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 – refer to "Transfer of Interment Right (Living)" and "Transfer of Interment Right (Deceased)" forms. Council will not unreasonably withhold its approval.

5.3. Lost Documentation
Council may issue a replacement (copy) of an interment right upon receipt of a formal written request 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

In the event that a right of interment is not renewed Council will take reasonable steps, in writing, to advise a holder of the right (or any living relatives of the deceased should the holder of the right be uncontactable) of the impending expiration of the right twelve months prior to its expiration, offering the right to renew the interment period. An advertisement is to be placed in a local newspaper once per year listing expiring leases, should contact with the holder of the right be unsuccessful. If the holder of the right does not renew the interment right by the expiration date:

a) For a burial site – the interment site is deemed to have expired and Council has the right to reuse the right in accordance with the legislation. Council will not enforce reuse of interment sites at the expiration of an interment right period. This may be subject to review at a later point in time.
b) For an ashes interment site – the holder of the interment right may:
   - instruct the Council to move to the interment remains to an unmarked location in the cemetery, or
   - collect the remains for private disposal

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

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7. DISPOSAL OF HUMAN REMAINS

7.1. 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 details of):

a) a certificate of identification for the body; and
b) a partial certificate of cause of death; or
c) a disposal authorisation; or
d) 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 Order Form". Interments are to be undertaken by the funeral company specified on the Order Form. Preparation of the interment site is to be undertaken by Council or a contractor authorised by the Council.

7.2. Register/Records and Plans

Under Section 53 of the Act, the Council as the "relevant authority" must maintain, and make available for inspection by members of 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.

7.3. 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,
- reopening an interment site containing bodily remains, or
- removing or relocating human remains.

The process of excavating and/or modification of a site must be undertaken by a Council employee or 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.

Prior to the reopening of an interment site for the purpose of interring remains and where a monument is installed, the interment right holder must complete an "Application for Burial in an Existing Grave" form.

8. MEMORIALS

8.1. Headstones or Plaques

Application must be made to Council for approval, prior to the installation of any plaque or headstone. Council may issue approval, subject to specific conditions.

Monumental Masons (or contractors applying to carry out works) are to provide to the Authority the following documentation:

• Details of company name, address and key personnel
• The names of the Officers as defined by the Work Health and Safety Act 2012 (SA)
• Copies of public liability insurance for $20M
• Copies of Return to Work SA currency • Full name of each employee who will possibly work in Council's cemeteries
• Copies of construction white cards for all employees who may work in Council's cemeteries
• Copies of certification of load shifting equipment e.g. truck mounted cranes

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- Copies of WHS policies (every three years or as updated)
- Copies of relevant Safe Work Instructions/Safe Work Method Statements/Job Safety Analysis

Plaques for the columbarium at the Kyancutta, Warramboo and Wudinna cemeteries are to be arranged and purchased through Council. They are to be 350mm wide by 250mm high and of a bronze material. Payment for the plaque is to be made prior to it being fixed to the columbarium.

Granite tablets must be used for the cremation cross at the Wudinna cemetery. This will be supplied by Council; however, engraving is to be arranged and paid by the applicants. Council has also approved the use of a bronze plaque that can be affixed to the Granite tablet, as an alternative to having the tablet engraved. The plaques are to be arranged and purchased through Council.

Plaques for the Minnipa columbarium are by own arrangement and cost.

8.2. Installation of Headstones or Plaques

Only Council staff, a contractor approved by Council or a monumental mason shall install a headstone or plaque. All others are to be approved by Council prior to installation.

8.3. 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.
All naked flames, such as candles and incense, are strictly prohibited in cemeteries due to the risk of fire

Ornaments or tributes made of plastic or other unbreakable materials may be placed on sites. Breakable materials such as glass, porcelain, terracotta and ceramic are not permitted to be placed on sites due to the risk to public safety. Materials such as Majolica ware, glass plaques and ceramic photographs are permitted if installed by a Monumental Mason and affixed to a headstone

The Authority is not responsible for the safety of ornaments or tributes and will not repair or replace them should they become damaged or stolen. 5.4.7 Families and visitors are encouraged to remove ornaments or tributes that have reached the end of their useful life, prior to these items becoming unsightly.

Alcohol Containers

Alcohol beverages and/or containers (full or empty) are not permitted to be placed on sites within the cemetery grounds.

8.4. Plantings

No plantings on memorials or within the cemetery shall take place without the prior consent of the Authority.
Authorised plantings must not exceed 900mm high, or the width of the site, when fully grown.
The Authority is not responsible for the safety of any plantings and will not repair or replace plantings should they become damaged or stolen.

8.5. Ownership and Maintenance of Memorials

It is the responsibility of the Interment Right Holder to maintain any memorial in a safe condition during the term of the interment right. The Council is not responsible for the upkeep, repair or maintenance of any memorial.

Any restoration work on a memorial is subject to the terms of a Memorial Application.

The Authority does not accept any responsibility for damage to Memorials through acts of vandalism, ageing or deterioration. Repair of damaged Memorials is the responsibility of the Interment Right Holder.

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In accordance with Section 41 of the Act, the Authority may issue a notice to the owner of a memorial requiring repairs, removal or reinstatement of a memorial within 8 weeks of notification by the Authority.

If the Interment Right Holder fails to act following a written request from the Authority, the Authority may either remove the memorial or carry out the repairs and recover the reasonable cost from the Interment Right Holder in accordance with Section 41 of the Act. 5.8.7 If a memorial becomes unsafe and urgent action to repair, remove or reinstate the memorial is considered necessary by the Authority, the Authority may, instead of giving a notice, have the work carried out and recover the reasonable cost from the Interment Right Holder

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. AUTHORISED OFFICERS

Council may appoint authorised officers in accordance with Section 58 of the Burial and Cremation Act 2013. Authorised officers may exercise the powers provided under Section 59 of the Act, subject to Council's Delegations Register and the terms and conditions of their appointment.

10. FEES AND CHARGES

Fees and charges for services provided at cemeteries will be determined by Council as part of the annual budget process. Fees are available by contacting the Council Office or on our website www.wudinna.sa.gov.au.

11. REFERENCE TO OTHER DOCUMENTS AND FORMS

- Application for Burial in an Existing Grave
- Burial Order Form
- Cemetery Memorial Approval Form
- Interment Right Application
- Transfer of Interment Right (Deceased)
- Transfer of Interment Right (Living)

12. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.wudinna.sa.gov.au Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.