

ADELAIDE CEMETERIES AUTHORITY OPERATING STATEMENT

Authorised By: Complete
Responsible Manager: Complete

On: Complete
Date of next review: Complete

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1 PURPOSE / OBJECTIVES

The objective of this policy is to outline the general requirements and processes the Adelaide Cemeteries Authority (the Authority) has in place in relation to the operations of the Authority's facilities.

In delivering its services, the Authority will comply with the South Australia *Burial and Cremation Act 2013* (Act), the South Australia *Burial and Cremation Regulations 2014* (Regulations).

2 GENERAL

2.1 Fees

The Authority establishes fees for granting rights of interment and inurnment and all other services as determined by the Authority from time to time.

Fees are revised and set from 1 July each year, but these fees are subject to change without notice.

2.2 Opening Hours

The cemetery is open to vehicles from:

Daylight Saving Time: 7:00am until 9:00pm;

and

Standard (non-daylight saving) Time: 7.00am until 6.00pm.

The Authority may vary these hours without notice to facilitate cemetery operations or infrastructure works.

2.3 Office Hours of Authority

The office of the Authority is open weekdays except public holidays from 8:30am to 4:30pm or as the Chief Executive Officer may determine.

2.4 Plan of the Cemetery

The Authority will maintain a plan of the Cemetery in the office of the Authority that shows:

- Each site at which human remains are interred; and
- Each site set aside for the interment of human remains; and
- The number allocated to, or a description of, each site.

2.5 General Conduct in the Cemetery

A person must always conduct themselves in a manner that respects the rights and safety of others.

A person must seek the approval of the Authority before they:

- Sell or buy anything unless authorised by the Authority;
- Erect a temporary shelter or canopy;
- Carry on a business or advertise the same;
- Distribute or display any advertisement;
- Organise or take part in a meeting;
- Discharge a firearm (except at a military funeral);

2.6 Prohibited activities

A person must not remove, damage, deface or interfere with –

- Any building, memorial or other fixture or structure in a cemetery
- Any part of the grounds of a cemetery, including a tree, shrub, plant, flower or lawn, or a stake or label on or near any such thing.

Furthermore, a person must not:

- Disturb a funeral service, cause a nuisance or breach the peace;
- Consume alcohol other than as part of a funeral service, as authorised by the Authority.
- Deposit refuse except in receptacles provided for the purpose.
- Cut, break, deface or write or fix a bill on any fixture or landscaping in the cemetery; or
- Take, injure or interfere with trees, shrubs, flowers, vases, labels, fish, birds, animals or other property.

The Authority is not responsible for any damage or loss caused by unauthorised activity in the grounds.

2.7 Control of animals

The public must not ride, drive or exercise animals other than dogs in the cemetery unless they have the prior written approval of the Authority.

All dogs in the cemetery must be kept under effective control, generally this means on a leash no longer than 2 metres.

Dogs must be managed by a person capable of controlling the dog and preventing it from becoming a nuisance or a danger to others.

It is the dog owners' responsibility to collect dog faeces and dispose of them via a rubbish bin.

3 TRAFFIC

3.1 Traffic Regulations

A person must, while in charge of a motor vehicle within the cemetery, comply with any lawful directions of the Authority as to the driving and parking of the vehicle.

A speed limit of 20 km per hour applies in the cemetery as indicated by the signs displayed. All other general road rules apply within the cemetery.

A person must not drive a motor vehicle within the cemetery in a dangerous or careless manner or without reasonable consideration for others.

A person may park a motor vehicle within the cemetery with reasonable consideration for others and in accordance with general road rules unless it is clearly marked to the contrary.

The Authority directs that all motor vehicles must remain on the designated roadways unless otherwise directed by the Authority.

1.1 Public Right of Way

The cemetery is not a public right of way.

The Authority must ensure that the cemetery is securely fenced at all times.

4 POWER OF THE CEMETERY AUTHORITY

If the Authority has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, it may require the person to leave the cemetery.

All visitors, contractors or other persons in the Authority's cemeteries are subject to the direction and supervision of the Authority. A person must not refuse to comply with direction or supervision of the Authority otherwise they may be required to leave the cemetery.

Children under the age of 10 years must always be accompanied by and remain under the control of an adult otherwise they may be required to leave the cemetery.

5 LANDSCAPING AND TRIBUTES

No person, except a person authorised by the Authority, may landscape or change the landscaping of any portion of the cemetery.

All plants and trees in the cemeteries remain the property of the Authority.

The Authority may plant and maintain lawn on grave sites at the discretion of the Authority.

The Authority may alter or transfer any landscaping or memorial garden bed as it may determine. It may –

- Cause to be removed from an interment site in the cemetery any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and

- Cause to be pruned, cut down or removed any plant on an interment site in the cemetery that is, in the opinion of the cemetery authority, unsightly or overgrown.

In addition, the Authority may replace any tree, shrub, plant flower or lawn on an interment site in a cemetery that is, in its opinion, unsightly, unsuitable or unhealthy.

5.1 Tributes

Tributes may be placed only in unbreakable containers or as the Authority may determine.

The Authority may remove and dispose of any tribute when it is deemed unsightly, offensive, breakable, or a risk to public safety.

Details of the Authority's maintenance processes, including floral and ornament guidelines, are detailed in the **Floral Tributes Policy**.

6 INTERMENT RIGHTS

6.1 Authority to Grant Interment Rights

The Authority may grant an Interment Right in relation to one or more sites in the cemetery subject to payment of the appropriate fee.

The Authority may at its discretion limit the number of Interment Rights granted to a person.

An Interment Right Holder has for the term of the Interment Right:

- An exclusive right to bury or inter human remains in the site allotted; and
- An exclusive use of foundations provided by the Authority to erect an approved monument.

An Interment Right Holder may only use the ground allotted for the purposes set out in this clause and not for any other purpose.

The minimum Initial Term of an Interment Right is determined by the Board from time to time and is currently:

New Interment Sites

- 25 years for Burial sites;
- 25 years for Cremated Remains Memorial Sites;
- or as determined by the Authority.

Existing Interment Sites

- 10 years for Burial sites;
- 5 years for Cremated Remains Memorial Sites;
- or as determined by the Authority.

An Interment Right notice is provided to the Interment Right Holder by the Authority in accordance with the Regulations.

6.2 Authority to renew Interment Rights

The Authority must renew or extend an Interment Right in accordance with the Act and Regulations where:

- An application is received to do so; and
- The appropriate fee is paid.

An extension of the term of an Interment Right shall be for a period no less than 5 years in any one transaction.

At least 12 months before the Interment Right is due to expire, the Authority will take reasonable steps to give the Interment Right Holder written notice which informs the Interment Right Holder:

- Of the Interment Right Holder's entitlement to renew or extend the Interment Right and the cost of renewing or extending the Interment Right;
- That if the Interment Right is not renewed or extended and there is a Memorial to the deceased, the memorial may be reclaimed from the Authority;
- That if the Interment Right is not renewed the Authority is entitled to re-use the Interment Site.

The Authority may renew a lapsed Interment Right from the date of expiry of the relevant Term for a further Term(s) provided:

- The application is received in writing by the Authority within two years of the Interment Right lapsing; and
- The appropriate fee is paid by any interested person.

If no application is received within the time frame set out in the Act and Regulations to renew or extend the Interment Right, then the Interment Right will expire according to its terms.

Where an Interment Right has lapsed but is subsequently renewed in accordance with the Act, Regulations and this policy, the Interment Right will be deemed to have been extended under the same Interment Right with any previous Terms of that Interment Right, as if the Interment Right has not lapsed.

6.3 Expired Interment Rights

If an Interment Right expires, the Authority may, in accordance with the Act and Regulations, re-use the interment site to which the Interment Right related, and remove any memorial erected on that site.

Prior to removing a memorial, or re-using an interment site, the Authority will:

- Give notice of its intention to re-use the interment site by public advertisement in a newspaper circulating throughout South Australia;
- Take reasonable steps to give written notice of its intention to re-use the interment site to the personal representative of the deceased or one or more relatives of the deceased.

In accordance with the Act, the Authority may re-use an interment site if:

- The Interment Right is not renewed or the personal representative or a relative of the deceased has informed the Authority that there is no objection on the part of relatives to the re-use of the interment site; or
- At least two years have passed since the lapsing of the Interment Right.

Where an interment site is available for re-use the Authority may grant a new Interment Right for the site to any person upon such terms and conditions as the Authority may determine consistent with the Act and the Regulations and this policy. The former Interment Right Holder acknowledges that upon such event the Authority may do whatever is necessary to prepare the site for the new Interment Right Holder.

6.4 Disposal of Cremated Remains

If an Interment Right Holder advises the Authority that an extension or renewal of a interment right for a site designated for cremated remains only will not be sought, the Interment Right Holder may instruct the Authority on the preferred method of final disposition of the cremated remains by:

- Interment in an unmarked location; or
- Collection by the Interment Right Holder.

Where no instructions are given by the Interment Right Holder upon the surrender of an interment right for a site containing cremated remains, then such remains will be dealt with in accordance with the Act, Regulations and the Authority's policies and procedures.

6.5 Surrender of Interment Right

The Interment Right Holder has the right to surrender the interment right to the Authority in accordance with the Act and Regulations. On surrender, the rights granted under the Interment Right are discharged.

The memorial on the site to which the Interment Right related may be reclaimed by the Interment Right Holder upon surrender of the Interment Right. If unclaimed, the memorial will be disposed of by the Authority in accordance with the Act and the Regulations.

6.6 Transfer of Interment Right

The Authority may permit a transfer of an Interment Right on completion of the appropriate form and having regard to the Act and Regulations. The appropriate form is available from the Authority.

An application to transfer an Interment Right must be executed by or on behalf of the Interment Right Holder and the transferee and be accompanied by the relevant fee and evidence to the Authority that it may require to show that the Interment Right Holder can affect the transfer.

The Authority may approve the transfer at its discretion.

Where the Authority approves a transfer, the name of the transferee will be entered into the register of Interment Rights as the owner of the Interment

The transfer will not take effect until it is recorded by the Authority in its Register of Interment Rights. A transferor remains the holder of the Interment Right until the transfer is registered and the name of the transferee is entered in the Register of Interment Rights

6.7 Register of Interment Rights

The Authority will keep a Register of Interment Rights in accordance with the Act and Regulations that contains the following information:-

- The number of the Interment Right;
- The locality and number of the interment site over which the Interment Right is issued;
- Whether the Interment Right is for the interment of bodily remains, cremated remains, or memorialisation without human remains;
- The full name, address and date of birth of the Interment Right Holder;
- The name of any person or persons identified on the Interment Right whose remains may be interred pursuant to the Interment Right;
- The date that the Interment Right was granted or transferred to the Interment Right Holder;
- The date of each renewal and the expiry of each renewal term of the Interment Right;
- The name of each deceased interred at the site including the date of each interment and the depth at which the interment took place;
- The date of erection, subsequent inscriptions and description of any Memorial that has been erected at the interment site in accordance with the Act and the Regulations and these operating policies.

6.8 Interment Rights issued in two or more names

Where an Interment Right is currently registered in the names of two or more persons, it will be delivered to the person first named in the Register of Interment Rights.

All Interment Right Holders have the responsibility to keep the Authority informed of their current contact details. Failure to do so may result in the Authority, after reasonable notice, accepting instructions from the other Interment Right Holder without their input.

Notice will be deemed given if the Interment Right Holder is sent a letter, facsimile or email to the person's last known contact details. Failure by the Interment Right Holder to respond within 90 days will constitute abandonment of his or her right to give instructions and the Authority may act in accordance with the instructions of the other Interment Right Holders who are contactable.

All new Interment Rights will be issued to one person only.

6.9 Claimants to Interment Rights

As the issue of Interment Rights is governed by the Act the Authority will not recognise or register an expressed, implied or constructive notice of authority.

Where there is one or more joint Interment Right Holders, and one of the Interment Right Holders dies, the Authority will recognise the surviving Interment Right Holder or Interment Right Holders as the only person or persons having title to an Interment Right.

Where the registered Interment Right Holder is deceased, the Authority will identify and, if required, transfer the interment right to the person entitled as prescribed in the Act and the Regulations.

A person claiming ownership of an Interment Right must, if necessary, prove their ownership to the Authority.

7 BURIALS

7.1 Burial Hours

Burial hours are:

- between 9:30 am and 4.30 pm Monday to Friday;
- By arrangement with the Authority on Saturdays, Sundays and Public Holidays except Good Friday and Christmas Day; or
- As the Authority may determine.

Burials undertaken outside of 9.30am to 4.30pm Monday to Friday will incur additional fees.

7.2 Authorisation of Burials

No Burial will take place in the cemetery unless:

- A written application for the Burial in the form required by the Authority is lodged at the offices of the Authority; and
- An Interment Right or duplicate Interment Right is produced to the Authority upon request; and
- The Authority receives reasonable notice of a request for the Burial; and
- All relevant fees are paid to the Authority; and
- Identifying information on all the following has been checked and found to correspond:
 - The partial certificate of cause of death or disposal authorisation, as the case may be;
 - The certificate of identification;
 - The name plate affixed to the coffin or placed on top of the bodily remains, as the case may be.

7.3 Depths of Coffins

Coffins must be interred at least:

- At the minimum depth required by the Act and Regulations; or
- A minimum depth greater than the Act and Regulations as the Board may determine.

The Authority may determine the maximum depth of a grave in which a body may be interred in the Cemetery.

The interment site will be covered as soon as practicable on the same day as the interment.

7.4 Opening of interment sites, exhumation and re-interment

The Authority will comply with Part 2, Division 3 of the Act and the Regulations when dealing with the opening of Interment sites, exhumation, and re-interment of bodily remains.

An Interment Right Holder can arrange with the Chief Executive Officer for extra space to be made in an interment site through a Lift and Deepen Procedure in accordance with the Act and Regulations where:

- There have been three interments in a grave; or
- Earlier interments were at insufficient depth for further burials; and
- At least six years have elapsed since the most recent burial.

No bodily remains will be interred in an interment site if the remaining term of an Interment Right is less than ten years.

7.5 Specific Faiths

7.5.1 Unitarian Druse Community Burials

No burial may take place in any area reserved for Druse burials within the cemetery unless it is authorised in writing by a Unitarian Druse faith Minister or their nominees.

No person may pre-purchase an interment right in any area reserved for Druse burials within the cemetery unless they are authorised in writing by a Unitarian Druse faith Minister or their nominees.

The Unitarian Druse Community shall be notified of any interment rights due for renewal in Unitarian Druse Community sections.

7.5.2 Jewish Burials

No burial may take place in any area reserved for Jewish burials within the cemetery unless it is conducted by:

- A Rabbi acting with the written authority of either the Adelaide Hebrew Congregation Inc., or the Adelaide Progressive Jewish Community; or

- Another person authorised in writing by either the Adelaide Hebrew Congregation Inc., or the Adelaide Progressive Jewish Community to conduct the burial.

The Adelaide Hebrew Congregation Inc. shall be consulted by the Authority regarding the proposed inscription on a memorial prior to the granting of such an approval by the Authority.

The Adelaide Hebrew Congregation Inc. shall be notified of any interment rights due for renewal in the Jewish section of the cemetery.

The Adelaide Progressive Jewish Community shall be notified of any interment rights due for renewal in the Liberal Jewish section of the cemetery.

7.5.3 SA Hazara Community

The SA Hazara Community have pre-purchased sites within the SA Hazara section. Permission for burials in the area have to be approved by the senior members of the SA Hazara community. In the recent years, many non-Hazaran Muslims have expressed their wish to be buried in the SA Hazara section. The community has amended its policy to allow for brothers and sisters of the Muslim faith to be buried in the SA Hazara section.

Further areas may be set aside for specific faiths from time to time, and these areas may require additional authorisation for interments or the issue of Interment Rights.

7.6 Children's Sections

Graves in these sections are prepared by hand.

Due to the narrower width and shorter length of graves in the Children's sections compared to general areas of the cemetery, it is not possible to prepare the site for a burial at a depth lower than level one.

For the reasons outlined above, we are also unable to perform a lift-and deepen procedure in the children's sections.

8 CREMATION

8.1 Authorisation of Cremations

The Authority will permit a cremation where a written application in the form required by the Authority, is lodged at the offices of the Authority that includes:

- The name, last address, date of death and age of the deceased;
- The name, address, date of birth and contact details of the applicant for a cremation;
- A cremation permit furnished in accordance with the Act and Regulations;
- Any form of identification of the deceased required under the Act and Regulations;

- Certificate by Funeral Director; and
- Instructions for final disposition of Cremated Remains

All relevant fees are paid to the Authority, and identifying information on all of the following has been checked and found to correspond:

- Cremation permit;
- The certificate of identification;
- The name plate affixed to the coffin;
- Adelaide Cemeteries Authority Form 1A; and
- Certificate by Funeral Director (rear of Form 1A).

8.2 Cremated Remains

The Authority will release the remains of a person cremated at the crematorium to the person to whom the relevant cremation permit was issued or a person authorised in writing by that person.

If cremated remains are not collected within six months of the cremation, the Authority may dispose of the remains in accordance with the Act.

8.3 Cremation Register

The Authority will keep a cremation register, in which the following information must be entered immediately after the cremation.

- The name, gender and age at the time of death of the deceased;
- Set out in the certificate of identification relating to the deceased person whose bodily remains were cremated;
- The name and address of the person to whom the cremation permit was issued;
- The date of cremation;
- The date on which the cremated remains were collected and the identity of the person who collected them, and
- If known by the Authority – the manner of disposition of the cremated remains.

9 MEMORIALS

9.1 Memorial Design

Before any works are carried out, approval must be sought from the Authority for the design, workmanship and proposed inscription.

Memorials for interment sites for cremated remains are supplied by the Authority only.

The plans and specifications for a memorial for a burial interment site must be submitted to the Chief Executive Officer or delegated officer and comply with the specifications at Schedule “E”.

The Authority may withhold approval for any memorial design at its discretion.

A permit must be obtained from the Authority for a memorial for a burial interment site, or for inscriptions on an existing memorial before any work is carried out. A permit is obtained by submitting an application to the Authority in the form and manner required by the Authority, and payment of a permit fee paid in the amount set by the Authority from time to time.

The Authority may permit ornamental fixtures and fittings provided they are of non-ferrous durable material. The Authority accepts no responsibility for any ornamental fixtures or fittings.

Unless otherwise approved by the Authority, the name affixed on the Memorial must accord with the name shown on valid proof of the deceased identity produced to the satisfaction of the Authority.

9.2 Removal of Memorials

Subject to the Act and Regulations, if an Interment Right expires, the Authority may remove any memorial to a deceased person erected on or at the site under which the interment right was issued and dispose of it as it sees fit.

In accordance with the Act, Regulations and this policy an Interment Right Holder may reclaim a memorial at any time before disposal. The removal of a memorial installed by a recognised Monumental Mason must be undertaken by a recognised Monumental Mason with the relevant approval and at the expense of the Interment Right Holder.

The removal of a memorial is subject to approval of the Authority in writing.

The Authority may remove or alter any memorial or erase any inscription that breaches its operating policies.

The Authority may recover as a debt the expense of removal or alteration of a memorial from the person who erected the memorial.

The Authority may remove a memorial that is unsightly or has become dangerous and dispose of the memorial at its discretion.

Where an Interment Right Holder fails to remove a memorial within two years of an Interment Right lapsing and the procedure outlined in the Act and Regulations has been followed, the memorial becomes the property of the Authority.

Only licensed Monumental Masons may remove memorials for a burial interment site from the Cemetery pending formal application by the Interment Right Holder and subsequent approval by the Authority.

9.3 Memorial Register

The Authority will keep a Register of each Memorial erected in the Cemetery that contains the following information:

- The size of the Memorial;

- The type of Memorial;
- The name or names inscribed on the Memorial;
- Any epitaphs and other inscriptions on the Memorial; and
- The location of the Memorial in the Cemetery.

10 PRIVACY

The Authority will abide by the *Freedom of Information* legislation and the spirit of privacy legislation in addition to the requirements of the Act and Regulations to protect the details of all living persons.

11 ROLES AND RESPONSIBILITIES

11.1 Chief Executive Officer

The Chief Executive Officer has responsibility for:

- Ensuring compliance with this policy and associated policies, standards, legislation and delegations of authority;
- Compliance with internal controls; and
- Reviewing and amending the policy.

11.2 Managers and Team Leaders

- Managers and Team Leaders are responsible for:
- Ensuring compliance with this policy and associated policies and procedures; and supporting the successful implementation of this policy within their department / section / area.

12 GLOSSARY OF TERMS

Board means the Board of the Adelaide Cemeteries Authority as prescribed in the *Adelaide Cemeteries Authority Act 2001*.

Bodily/Human Remains means the whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated

Burial means the interment of bodily remains

Cemetery means the grounds of cemetery or memorial park managed by the Adelaide Cemeteries Authority

Chief Executive Officer (CEO) means the person appointed by the Board to undertake the daily conduct of the affairs of the Authority

Cremated Remains means bodily remains that have been reduced by cremation

Governance Document means any Charter, Policy, Procedure, Plan, Form or Template which is applicable across a function or the organisation.

Interment means interment of human remains, including:

- The placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains; or
- The burial in the earth of human remains (directly in the earth or in a container);

It does not include the scattering of cremated remains.

Interment Right means a document issued in accordance with the Act that:

- Identifies the person to whom the interment right is issued; and
- Identifies the person or persons of a specified class who may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and
- Identifies the site at which remains may be interred pursuant to the interment right; and
- Specifies the period for which the interment right is granted; and
- Sets out the rights to renewal of the interment right; and
- Specifies whether the interment right may be cancelled or transferred