

Adelaide Cemeteries Authority

Policy Name: Re-use of Burial and Cremation Sites

Policy Code: OPE003

Policy Version: 2.0

Authorised By: Heritage & Monument Committee	Date Authorised: 9 August 2017
Responsible Manager: Head of Operations, Infrastructure & Environment (HOIE)	Review Date: August 2019

Policy Version	Date	Author	Action
2.0	05/06/17	CEO/Board Secretary	Updated terminology & Legislation. Updated format and policy structure to align with current practice. Relevant legislation added. Authorising body and responsible manager updated. Policy content that is now covered by legislation removed.
1.1	06/02/13	CEO	Updated to new format and numbering.
1.0	17/11/08	MM & CS	Original Policy – no amendments.

Definitions:

Act means *Adelaide Cemeteries Authority Act 2001*

Authority means the Adelaide Cemeteries Authority as defined by the Act.

CP means Cheltenham Pauper Graves

1. POLICY AIM

It is the aim of this policy to ensure that prior to burial and cremation sites being reused all reasonable attempts are made to notify the interment right holder of the expiry of the grant.

2. POLICY SCOPE

This policy applies to all cemeteries under the control of the Authority. Specific separate policies applying to Cheltenham Cemetery are noted below.

3. POLICY STATEMENT

In accordance with Section 38 of the *Burial and Cremation Act 2013* it is the policy of the Authority that upon the expiry of an interment right held over a burial or cremation site, the Authority will make reasonable efforts to contact the interment right holder, and/or relatives of the interment right holder/deceased to advise them of the expiry of the interment right and options for renewal.

4. POLICY PRINCIPLES

The Authority encourages the interment right holder and/or relatives of the interment right holder/deceased to renew the interment right for a minimum period of five years up to a maximum of 99 years.

In the event that the interment right holder and/or relative advises the Authority that they do not wish to renew the interment right or fail to respond to the Authority's communication, the control of the site will return to the Authority, which has the right to redevelop it for future use.

4.1 CHELTENHAM CEMETERY

Tenure periods for Cheltenham Cemetery can be defined based upon the historical dates as outlined below;

99 year tenure on interment rights issued up to **30 October 1946** (30/10/1946)

50 year tenure on interment rights issued from **1 November 1946** (01/11/1946)

4.1.1 Non-licensed Sites at Cheltenham Cemetery

In relation to non-licensed sites at Cheltenham Cemetery, the Authority acknowledges that while a written interment right was never issued for these sites, it is assumed that the intention at the time was for the deceased to be afforded a burial site on the same terms as those offered to other members of the public. The Authority will apply, where practical, the same tenure period for non-licensed sites as is afforded to sites over which interment rights have been purchased.

4.1.2 Non-licensed sites which have been redeveloped

For non-licensed sites at Cheltenham Cemetery where redevelopment has been undertaken prior to the endorsement of this policy and related procedures, it is clear that in these circumstances the tenure period outlined in section 4.1.1 cannot apply. In these cases, the Authority will record, for historical purposes only, the license tenure as 50 years from the date of the first interment.

(Note: Appendix A (attached) lists the CP Interment Rights where due to earlier redevelopment it was not possible to record a tenure period of 50 years.)

5. LEGISLATIVE REQUIREMENTS

Adelaide Cemeteries Authority Act 2001

Burial and Cremation Act 2013

Burial and Cremation Regulations 2014

OPE003 – RE-USE OF BURIAL & CREMATION SITES

6. RELATED POLICIES

OPE004 Interment Rights

COR016 Significant Places Policy

7. RELATED PROCEDURES, GUIDELINES & FORMS

Re-use operational plan

Guidelines for the Release of Expired Burial and Cremation Sites for Re-use

AUTHORISED FOR DISTRIBUTION

A handwritten signature in black ink, consisting of a large, sweeping loop followed by a smaller, more intricate scribble.

Signature: _____

Date: 09/08/17

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APPENDIX A

Cheltenham Pauper Graves (CP) that are unlicensed sites where redevelopment has taken place prior to the implementation of this policy which applies interment rights as outlined above in 4.1. For historical purposes these sites will have a 50 year interment right tenure recorded from the date of the first interment.

CP1033	CP1222	CP1543
CP1036	CP1242	CP1567
CP1037	CP1252	CP1568
CP1038	CP1253	CP1582
CP1040	CP1262	CP1594
CP1041	CP1264	CP1602
CP1102	CP1287	CP1605
CP1104	CP1289	CP1607
CP1105	CP1290	CP1612
CP1107	CP1291	CP1616
CP1124	CP1302	CP1625
CP1125	CP1305	CP1628
CP1127	CP1306	CP1634
CP1131	CP1309	CP1635
CP1132	CP1311	CP1642
CP1135	CP1328	CP1647
CP1136	CP1336	CP1650
CP1142	CP1344	
CP1145	CP1356	
CP1146	CP1363	
CP1147	CP1376	
CP1153	CP1400	
CP1164	CP1403	
CP1173	CP1431	
CP1174	CP1448	
CP1185	CP1450	
CP1187	CP1456	
CP1192	CP1458	
CP1204	CP1460	
CP1207	CP1474	
CP1216	CP1478	
CP1219	CP1513	