



HANDBOOK 2021

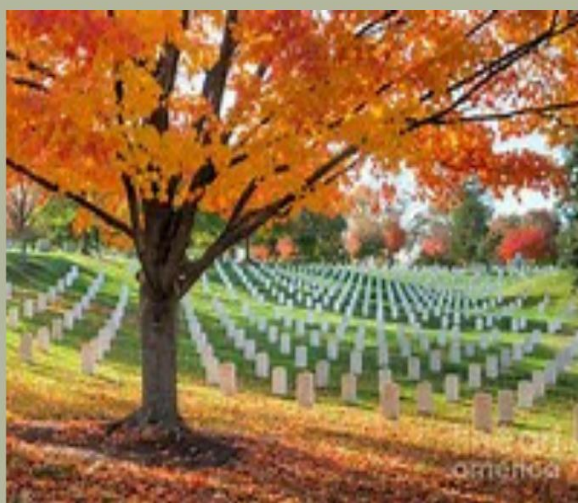


Table of Contents

INTRODUCTION.....	3
HOW TO USE THIS GUIDE	4
LEGISLATION.....	4
SHORTCUTS TO LEGISLATION – COMPLIANCE LIST	5
INTERMENTS – BURIALS/CREMATIONS	23
What Happens When You Receive an Application for a Burial?.....	23
Application for Burial Interment.....	23
INTERMENT RIGHTS.....	24
Plain English Statements.....	24
Interment Right document	25
MONUMENTAL MASONS.....	26
Application for Headstone or Memorial	26
RECORDS MANAGEMENT	27
CEMETERY LISTINGS.....	32
SEARCHING FOR INTERMENTS AND LINKS.....	33

Version 1 – 12 November 2021

INTRODUCTION

Welcome to the ©Cemeteries and Crematoria of SA (CCASA) Information Handbook 2021.

This Handbook is available to CCASA members only and aimed to assist them to navigate through the most frequently asked questions, provide some basic document templates to assist with administration, includes quick hyperlinks to legislation and information required for the managing of cemeteries in South Australia.

We have prepared this handbook to mainly assist smaller cemetery operators who may not have the resources that a local government cemetery may have, to manage their cemetery administration and records.

The ©Cemeteries and Crematoria of SA (CCASA) Information Handbook 2021 cannot be copied or distributed to non members of CCASA or edited in any way without the permission of the CCASA Executive President at that time.

Disclaimer

The CCASA Information Handbook 2021 provides basic information relative to cemetery administration and includes basic templates. This handbook will require continual monitoring and updating by CCASA to ensure compliance with the latest legislation. Templates included in this handbook may not apply to your individual cemetery needs but may assist as a guide to improve or streamline existing practices.

Please ensure you, as a cemetery authority, undertake your own research and comply with your own procedures and policies in place before implementing any information or templates into your daily practice.

Information used in this CCASA Information Handbook 2021 was deemed correct at the time of production however CCASA will not be liable for any information, legislation changes or templates not being compliant for your particular cemetery purposes.

IF you have any queries, please do not hesitate to contact CCASA on info@cemeteriessa.com.au.

Regards,



Arun Ramchand
President – CCASA



HOW TO USE THIS GUIDE

This Handbook has been created to allow for continual expansion. As we receive further queries and questions from our members, we will include them into this Handbook to benefit all our members, so we thank you for being a part of this valuable tool and we hope that its content will provide value when needed.

The CCASA Information Handbook 2021 will be available to CCASA members via its Website upon request. Using the hyperlinks will provide a handy quick jump to the relevant sites and information. As stated previously, CCASA's aim is to continually improve and update the information within this Handbook, but please carry out your own due diligence before finalising any document which is aimed to be presented to families to ensure it complies with your own individual cemetery procedures and policies.

LEGISLATION

Cemeteries in South Australia are legislated by the Burial and Cremation Act 2013 and the Burial and Cremation Regulations 2014. As a Cemetery Authority, you must be familiar with both the Act and Regulations. Please ensure you consult them prior to making any administration, procedural or policy decision within your cemetery.

[Burial and Cremation Act 2013](#)

An Act to provide for and regulate the identification, handling, storage, transport, disposal and memorialisation of human remains; to provide for the establishment, administration and closure of cemeteries and natural burial grounds; to provide for the conversion of closed cemeteries into parklands or public parks or gardens; and for other purposes.

[Burial and Cremation Regulations 2014](#)

The Regulations explain how the Burial and Cremation Act 2013 has to be implemented

HINT: For any South Australian Acts and Regulations - Download the latest legislation via <http://www.austlii.edu.au/au/sa/> It's always handy to save the link to your desktop.

SHORTCUTS TO LEGISLATION – COMPLIANCE LIST

Please use this valuable Compliance List as a quick reference to resolve/research your issue via the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

Issue No.	Issue	Resolution	Act or Regulation	
1	Reference the correct Act	Refer only to the Burial and Cremation Act 2013		
2	Reference the correct Regulations	Refer only to the Burial and Cremation Regulation 2014		
3	Refer to the correct description of remains	Human Remains includes:- <ul style="list-style-type: none"> • Bodily Remains (whole or part of the body that has not been cremated) • The remains of a still-born child; and • Cremated remains 		
4	No longer a licence, lease or grant	Use the term interment right		
5	No longer a licence, lease or grant holder	Use the term interment right holder		
6	Only two forms of disposal	Bodily remains only to be disposed of by burial or cremation	Act 7(1)	
7	Set aside part of a cemetery for a particular religion	This power exists and is not considered to be contrary to anti discrimination laws	Act 23	
8	The Cemetery Authority has some general powers	<ul style="list-style-type: none"> • To enlarge the cemetery, natural burial ground or crematorium • Improve or embellish the cemetery, natural burial ground or crematorium • Restrict interments in any part of the cemetery except where the interment right has already been issued • Do anything else that the authority considers necessary or desirable for the proper management of the cemetery, natural burial ground or crematorium. 	Act 43	

Issue No.	Issue	Resolution	Act or Regulation
9	Multicultural needs	When establishing, administering, extending or improving the cemetery the authority must have due regard to the customs and needs of the various ethnic and religious communities that may resort to the cemetery for the disposal of human remains This only applies to existing cemeteries to the extent that it is reasonably practicable.	Act 44
10	Restricting interments in any part of the cemetery	The authority may restrict interments in any part of the cemetery but this power does not allow the authority to breach the terms of an interment right.	Act 45
11	Dispose of bodily remains in a cemetery or natural burial ground	It is an offence to dispose of bodily remains other than in a cemetery or natural burial ground	Act 8(1)
12	Disposal outside of a cemetery or natural burial ground	<p>Can be done with permission in a prescribed area -</p> <ul style="list-style-type: none"> • With permission of the land holder, and • If in a council area with permission of the council, or • In a prescribed area outside of a township or metro Adelaide <p>Can also be done at sea with the approval of the Attorney-General</p> <p>A Prescribed area means</p> <ul style="list-style-type: none"> • An area outside a township or Metropolitan Adelaide; or • In a prescribed area in land outside a cemetery and must ensure that the remains are <ul style="list-style-type: none"> ○ At a depth of at least 1 metre from the surface of the ground; and ○ At a distance at least 20 metres from any building, structure or water well on the land <p>There have been numerous inquiries over time regarding burial outside of a cemetery</p>	<p>Act 8(2) & (4)</p> <p>Act 8(3)</p> <p>Regs 4</p>

Issue No.	Issue	Resolution	Act or Regulation
13	Offence to Bury without identification	Cannot bury unless identifying information is checked and <u>recorded</u> : <ul style="list-style-type: none"> • The certificate of cause of death or disposal authorisation or a partial certificate of cause of death • The certificate of identification • The name plate affixed to the coffin <p>(It is necessary to check information on the nameplate prior to the burial being completed. That will require a member of the authority or their nominated representative (not the FD) to view the nameplate affixed to the coffin and the spelling and date of death)</p>	Act 12 Regs 7(1)
14	Particulars on a name plate for burial	Cannot bury unless there is a name plate <ul style="list-style-type: none"> • Made of a durable material; and • With the surname; and • At least one given name (cannot be initials), and • Date of death of deceased • Engraved, printed or stamped on it Name plate must <ul style="list-style-type: none"> • be affixed to the coffin, or • If no coffin placed on top of the remains 	Regs 17(1)
15	Interment in a mausoleum or vault	Very similar to the old legislation however mausoleum now mentioned	Regs 18
16	Depth of interment	Bodily remains must be interred so that none of the remains are less than 1 metre from the surface – does not apply to mausoleum or vaults <p>Same as previous legislation</p>	Regs 15
17	Filling of sunken graves	Cemetery <u>may</u> cause a sunken grave to be filled up to the level of the natural surface of the ground. <p>(There is no compulsion but beware of your safety obligations)</p>	Regs 16

Issue No.	Issue	Resolution	Act or Regulation
18	Transporting bodily remains in a cemetery	<p>Transportation of bodily remains in a cemetery must be in</p> <ul style="list-style-type: none"> • A coffin or other rigid container from which no bodily discharges, contaminants or infectious substances may escape; or • The remains are <ul style="list-style-type: none"> ○ fixed to a rigid base to prevent movement; and ○ Contained in a shroud or other wrapping from which no bodily discharges, contaminants or infectious substances may escape <p>This is not substantially different from the past except that shrouded remains must be fixed to a rigid base to prevent movement</p>	Act 15 Regs 14(1)
19	Establishment of cemetery	<p>Subject to the Act any person may establish a cemetery.</p> <p>(no longer an obligation of local government so what if there is no cemetery?)</p>	Act 19
20	Establish a mausoleum	<p>The relevant Authority may establish a mausoleum within the cemetery</p> <p>Not sure what this means as development approval would still be required etc.</p> <p>What happens regarding a mausoleum developed on private property?</p>	Act 21
21	Perform a Lift and Deepen	<p>Interment right holder may request a lift and deepen be performed</p> <p>(We now have a reference to the lift and deepen procedure for the first time).</p>	Act 30(5)
22	Offence to Cremate without a permit	<p>Cannot cremate unless a permit has been issued by the Registrar</p>	Act 9(1)
23	Offence to Cremate without identification	<p>Cannot cremate unless identifying information is checked and <u>recorded</u>:</p> <ul style="list-style-type: none"> • The cremation permit • The certificate of identification • The name plate affixed to the coffin 	Act 12 Regs 7(2)
24	Particulars on a name plate for Cremation	<p>Cannot Cremate unless in a coffin which bears a name plate</p> <ul style="list-style-type: none"> • With the surname; and • At least one given name (cannot be initials), and • Date of death of deceased 	Regs 20(c)(iv)

Issue No.	Issue	Resolution	Act or Regulation
25	Interment of cremated remains	<p>Cannot inter cremated remains in a receptacle unless there is a name plate</p> <ul style="list-style-type: none"> • Made of a durable material; and • With the surname; and • At least one given name (cannot be initials), and • Date of death of deceased • Engraved , printed or stamped on it <p>Affixed to the outside of , or placed within, the receptacle that contains the remains (How can this be verified if the name plate is inside the receptacle, maybe the Crematoria provide a certification that there is a durable name tag place in the container of all cremations performed at their facility)</p>	Regs 17(2)
	Scattering of cremated remains	<p>No interment right is required for the scattering of cremated remains in a cemetery The relevant authority may wish to create their own policy requiring permission</p>	Act 36
26	Interment right	<p>All interments will be subject to an interment right <u>that must be issued by the relevant authority</u> and contain:</p> <ul style="list-style-type: none"> • Identification of the person to whom it is issued • Identifies who can be interred in the site or Who can instruct the authority on who can be interred at the site • Clearly identifies the site • Specifies the period for which the interment right is granted • Sets out the rights of renewal for the interment right • Specifies the cancellation or transfer conditions of the interment right <p>(based on this if you did not issue what were called grants or licences you are now required to issue an interment right)</p> <p>The relevant authority may prescribe the number of interments allowed at the site</p> <p>The interment right obliges the relevant authority to</p> <ul style="list-style-type: none"> • Permit the interment of remains as per the interment right 	<p>Act 30(1)</p> <p>Act 30(3)</p> <p>Act 30(4)</p>

Issue No.	Issue	Resolution	Act or Regulation
		<ul style="list-style-type: none"> • Permit a memorial to be erected as approved by the authority • Leave undisturbed remains at the site for the duration of the interment right • Leave a memorial in place so long as the memorial is in good order and the interment right remains in force. 	
27	Before an interment right is issued	<p>The prospective interment right holder must be given a Plain English Statement that includes:</p> <ul style="list-style-type: none"> • All of the requirements of an interment right detail in 30(1) • Sets out the rights and responsibilities of the relevant authority and relatives of a deceased in relation to any memorial to the deceased • Details of the cost of the interment right and any options for periodic payments. <p>(Plain English Statements must be issued and as it talks about prospective interment right holder it is important that the PES is issued prior to the interment right. CCASA has PES – Issue of Interment Right pads available on its website for purchase).</p>	Act 30(2)
28	Duration of interment right	<p>In accordance with Section 30 of the Act the period for which the interment right is granted may be</p> <ul style="list-style-type: none"> • For a specified period as detailed on the interment right; or • In perpetuity <p>(It is therefore imperative that a term is specified if it is not then it will be deemed to be in perpetuity)</p>	Act 31
29	Renewal of interment right	<p>The authority, on application from the interment right holder, must allow an interment right to be renewed for a minimum of 5 years.</p> <p>(If the interment right is for an initial fixed period it may be appropriate for the authority to determine a maximum number of years that the interment right may renewed for in a single transaction. This may be pertinent if you do not wish someone to renew “in perpetuity”.)</p>	Act 32(1)

Issue No.	Issue	Resolution	Act or Regulation
30	Notification of impending expiry of an interment right	<p>A relevant authority must, at least 12 months prior to the expiry of an interment right, take reasonable steps to inform the interment right holder a written notice</p> <ul style="list-style-type: none"> • In a form approved by the Minister • Set out the holder’s entitlement to renew the interment right; and • If not renewed the right to reclaim any memorial by the holder • If not renewed that the authority is entitled to re-use the interment right under section 38 of the Act • The cost to renew the interment right <p>(It will be important to get a form designed and approved by the Minister for Health and Aged Care)</p>	Act 32(2) Regs 30
31	Renewal of interment right by someone other than the original holder	<p>A new Plain English Statement must be issued to the applicant that sets out all the details as if it was a new interment right.</p> <p>CCASA has PES – Renewal of Interment Right pads available on its website for purchase</p>	Act 32(3)
32	Transfer of an interment right	<p>The authority may impose conditions on limiting the right of transfer to persons who adhere to a particular religion or belong to some other specified class</p> <p>A transfer does not take effect until it is recorded by the relevant authority.</p> <p>CCASA has PES – Transfer of Interment Right pads available on its website for purchase</p>	Act 33(1)(b) Act 33 (3)
33	Surrender of interment right	The interment right holder may surrender the interment right .	Act 34(1)
34	Surrender of unexercised interment right	<p>Unexercised interment right means one under which:</p> <ul style="list-style-type: none"> • Human remains are yet to be interred ; and • A memorial is yet to be erected. <p>Both conditions mentioned need to have not occurred for the interment right to be unexercised if either has occurred then the interment right has been exercised.</p> <p>Refer to the definition of a memorial to determine what will be seen as a memorial under this section.</p>	Act 34(4)

Issue No.	Issue	Resolution	Act or Regulation
35	Refund for an unexercised interment right	<p>If the interment right has been identified as unexercised then a <u>refund must be paid by the relevant authority to the former interment right holder</u></p> <ul style="list-style-type: none"> • The refund is to be based on the current fee payable for an interment right of the same kind • If the interment right is for a fixed term a formular does exist and once the term of the interment right has expired there is no refund • If the interment right is in perpetuity a formular does exist that prescribes that ultimately after 75 years only a 10% refund is paid 	Act 34(2) Regs 31 Regs Schedule 1
36	If the interment right holder has died, who can exercise or enforce the right?	<p>If the interment right holder has died the interment right may be exercised or enforced by :-</p> <ul style="list-style-type: none"> • The personal representative of the deceased being a person who is aged 18 year or more who is:- <ul style="list-style-type: none"> ○ The executor of the estate or one executor with the permission of all the other executors; or ○ The administrator of the estate of the deceased person • If there is no personal representative :- <ul style="list-style-type: none"> ○ By the spouse or 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 order of priority:- <ul style="list-style-type: none"> ▪ A child; ▪ A grandchild or great-grandchild ▪ A brother or sister; ▪ A parent; ▪ A grandparent; ▪ An aunt or uncle; ▪ A nephew or niece; 	Act 35(1) Regs 32

Issue No.	Issue	Resolution	Act or Regulation
		<ul style="list-style-type: none"> ▪ A cousin; ▪ Any other blood relative <p>(If the instructions are by an executor they need to warrant that they are the sole executor or that they have the permission of the others.)</p> <p>The definition of a relative of a deceased person "<i>means a person aged 18 years or more</i>" <i>But there is no mention of legally capable.</i></p>	
37	Re-use of interment sites	<p>If an interment right expires the authority may:-</p> <ul style="list-style-type: none"> • Re-use the interment site to which the interment right related; and • Remove any memorial erected on or at the site 	Act 38(1)
38	What to do prior to re-using a site	<p>The relevant authority cannot re-use a site unless:-</p> <ul style="list-style-type: none"> • An advert has been taken out in a newspaper circulating throughout the State giving notice of the intent to re-use; <u>and</u> • Reasonable steps have been taken to give written notice of the intent to re-use to <ul style="list-style-type: none"> ○ the personal representative of the deceased, <u>or</u> ○ 1 or more relatives of the deceased <u>and</u> • The personal representative or a relative of the deceased has advised there is no objection to the re-use, <u>or</u> • 2 years have elapsed since the notice to the personal representative or relative and the interment right has not been renewed. <p>So a notice must be given to the personal representative or relative, or every reasonable step is made to do so.</p> <p>What constitutes reasonable steps?</p>	Act 38(2)

Issue No.	Issue	Resolution	Act or Regulation
		<p>If the interment was 50 years ago is the personal representative going to be alive or found because they may have moved etc.</p> <p>What if you do not know of any relatives?</p> <p>Do you have to check the monument for names and then try and trace those people through electoral roles etc</p> <p>The two years since the notice was served is not two years since the interment right expired.</p> <p>You will need an audit trail to prove the process occurred.</p>	
39	What needs to be in the notice of intent to re-use?	<p>The advertisement or notice as required in 38(2) must:-</p> <ul style="list-style-type: none"> • Set out the rights to renewal of the interment right And • Inform the personal representative or relative that if the interment right is not renewed that the owner of the memorial to the deceased may reclaim it from the authority And • Inform the personal representative or relative of the deceased that the site may be re-used if the interment right has expired; And <ul style="list-style-type: none"> ○ The personal representative or a relative of the deceased has advised there is no objection to the re-use, <u>or</u> ○ 2 years have elapsed since the notice to the personal representative or relative and the interment right has not been renewed. 	Act 38(3) Regs 33

Issue No.	Issue	Resolution	Act or Regulation
40	Who owns a memorial?	<p>A memorial to a deceased person is the personal property of the person who holds the interment right in respect of the interment site where the memorial is situated; and This part of the Act applies to any memorial irrespective of when it was erected.</p> <p>Given that the interment right holder is the one who can instruct that a memorial is erected (with Authority approval under the Act 30(4)) irrespective of who paid for it the interment right holder owns it.</p>	Act 39(1) & (3)
41	Who must maintain a memorial	<p>Unless an agreement has been entered into with the authority for the authority to maintain the memorial it is the responsibility of the owner, therefore the interment right holder to maintain the memorial.</p> <p>When a transfer of an interment right is effected the ownership and responsibility for the memorial is also transferred.</p>	Act 40
42	Power to require repair, removal or reinstatement of memorial	<p>If a memorial becomes unsafe then the authority may, in a form approved by the minister, give notice either personally or by post to the owner of the memorial requiring the</p> <ul style="list-style-type: none"> • Repair, • Removal or • Reinstatement <p>Of the memorial within the period specified in the notice</p> <p>If there is an agreement for the authority to maintain the memorial then this part of the Act does not apply or if the cemetery is or forms part of a State heritage place.</p> <p>Again need to get a form approved by the Minister.</p>	Act 41(1) Act 41(4) & (5)

Issue No.	Issue	Resolution	Act or Regulation
43	What if the work is not carried out?	<p>If the notice has been properly served the authority may carry out the work and treat the cost of such work as a debt recoverable from the owner.</p> <p>If there is an agreement for the authority to maintain the memorial then this part of the Act does not apply or if the cemetery is or forms part of a State heritage place.</p> <p>Not sure you would want to put that information in the notice in the first place because the owner may ignore the notice and the action is done and then the authority has to go through a debt collection process which may be costly. In the meantime the owner of the memorial has had it repaired etc.</p>	Act 41(2) Act 41(4) & (5)
44	What if the work is deemed as urgent?	<p>If:-</p> <ul style="list-style-type: none"> • A memorial becomes unsafe; And • Urgent action to repair, remove or reinstate the memorial is considered necessary <p>The authority can have the work carried out and then recover the cost from the owner. If there is an agreement for the authority to maintain the memorial then this part of the Act does not apply or if the cemetery is or forms part of a State heritage place. The authority will run the risk of not getting the debt paid so it may be appropriate to do the minimum required to make the monument safe and then notify the owner to take additional action.</p>	Act 41(3) Act 41(4) & (5)
45	Register of interment rights	<p>A register must be kept of all interment rights issued.</p> <p>As there are provisions for retrospectivity of this legislation if you do not have a register now you will need to create one and also have it for all sites that have been used in your cemetery.</p> <p>The register must contain the following:</p> <ul style="list-style-type: none"> • The location of and number allocated to the site, or • A description of <p>Each site in respect of which an interment right has been issued.</p> <p>The form that the register must take is not defined. It is assumed that an electronic register is appropriate so long as it or extracts of it can be printed.</p>	Act 37

Issue No.	Issue	Resolution	Act or Regulation
46	Register of interments	<p>The authority must keep a register that:</p> <ul style="list-style-type: none"> • Identifies (so far as possible) persons whose remains are interred in the cemetery <ul style="list-style-type: none"> ○ The name of the deceased person whose remains are interred ○ The age of the deceased person at the date of their death ○ The address of the last place of residence of the deceased person before their death <p>It is important to note that being a resident of a nursing home will be the last place of residence, irrespective of whether they have only been there for 12 months prior to their death and had previously lived in the family home for 50 years.</p> <ul style="list-style-type: none"> ○ The date on which the interment or re-interment took place <p>Bearing in mind the date of death must be recorded on the name plate (see points 10-12 above) and must be sighted and recorded it would seem prudent to also record date of death in the register. It certainly avoids a lot of queries later on by interested family members doing research etc.</p> <ul style="list-style-type: none"> ○ Whether the remains interred or re-interred were bodily remains or cremated remains <ul style="list-style-type: none"> • Identifies the site in which the remains of each person are interred <ul style="list-style-type: none"> ○ The location of the site and the number (if any) allocated to the site • Records exhumations of human remains in the cemetery <p>Note that human remains include cremated remains and as such any “movement of cremated remains” should be recorded including when or if they are removed from a site and returned to a family (after the interment right expires).</p>	Act 53(1)(a) Act 53(1)(b)(iii) Regs 36(3)

Issue No.	Issue	Resolution	Act or Regulation
	<i>Bodily remains interments</i>	<ul style="list-style-type: none"> • In the case where bodily remains are interred <ul style="list-style-type: none"> ○ Whether the remains were interred or re-interred in a coffin, other receptacle or in a shroud only; <p style="margin-left: 20px;"><u>And</u></p> ○ Whether the remains were interred or re-interred within a mausoleum or vault; <p style="margin-left: 20px;"><u>And</u></p> ○ The depth at which the remains were interred or re-interred 	Act 53(1)(a) Act 53(1)(b)(iii) Regs 36(3)
	<i>Cremated remains interments</i>	<ul style="list-style-type: none"> • In the case of cremated remains <ul style="list-style-type: none"> ○ Whether the remains were interred or re-interred in a cinerary urn or other container or directly in the earth 	Act 53(1)(a) Act 53(1)(b)(iii) Regs 36(3)
	<i>Remains interred in a mausoleum or vault</i>	<ul style="list-style-type: none"> • In the case of remains interred or re-interred in a mausoleum or vault <ul style="list-style-type: none"> ○ The location of the mausoleum or vault in the cemetery <u>And</u> ○ If the remains were interred in a mausoleum or vault with more than 1 compartment – the compartment in which the remains were interred <p style="margin-left: 20px;"><u>And</u></p> ○ If the remains were interred in a vault <ul style="list-style-type: none"> ▪ The number allocated to the vault <u>And</u> <p>The depth of cover between the highest part of the vault and the surface of the ground.</p> 	Act 53(1)(a) Act 53(1)(b)(iii) Regs 36(3)

Issue No.	Issue	Resolution	Act or Regulation
47	Register of interment rights	<p>The authority must keep a register containing the prescribed particulars of interment rights issued by the relevant authority including:-</p> <ul style="list-style-type: none"> • The full name and address of the holder of the interment right • If the interment right identifies the person or persons whose remains may be interred pursuant to the interment right – the full names of those persons • If the interment right identifies the site at which remains may be interred pursuant to the interment right – the location of the interment right • The period for which the interment right has been issued. 	Act 53(1)(b)(i) Regs 36(1)
48	Register of memorials erected in the cemetery	<p>The authority must keep a register containing the prescribed particulars pertaining to memorials erected in the cemetery including:-</p> <ul style="list-style-type: none"> • 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 • The location of the memorial in the cemetery <p>It should be noted that the requirement to keep a record of the names inscribed on the memorial is not limited to the deceased persons interred at the site.</p> <p>This requirement should also be read in conjunction with the record memorials disposed of.</p>	Act 53(1)(b)(ii) Regs 36(2)
	<i>Record of disposal of unclaimed memorials</i>	<p>Section 42 requires records to be kept regarding memorials disposed of including:-</p> <ul style="list-style-type: none"> • A digital photograph of the memorial that shows – <ul style="list-style-type: none"> ○ Any inscription on the memorial And ○ The design of the memorial And • Particulars of the previous location of the memorial within the cemetery 	Act 42 Regs 34

Issue No.	Issue	Resolution	Act or Regulation
		<p><u>And</u></p> <ul style="list-style-type: none"> • If not evident from the digital photograph – details of the materials from which the memorial was made 	
49	Plan of the cemetery	<p>The authority must keep a plan of the cemetery that shows:-</p> <ul style="list-style-type: none"> • Each site at which human remains are interred; <p><u>And</u></p> <ul style="list-style-type: none"> • Each site set aside for the interment of human remains • If an interment right in force identifies the site at which the interments are to be interred the plan must include the number allocated to, or a description of, that site 	Act 53(1)(c) & (2)
50	Records of Cremations	<p>The authority must keep prescribed records of each cremation that takes place in the crematorium and includes :-</p> <ul style="list-style-type: none"> • The name and gender of the deceased person whose bodily remains were cremated • The age of the deceased person at the date of the death • The particulars set out on the certificate of identification relating to the deceased person who was cremated • The full name and address of the person to whom the cremation permit was issued • The date on which the cremation took place • The date on which the cremated remains were collected and the identity of the person who collected them • If known the manner of disposition of the cremated remains. <p>Most of this information is collected and recorded by crematoria in the natural course of conducting their business.</p> <p>The manner of final disposition is not something that is generally known unless the crematorium is also a cemetery operator.</p>	Act 53(3) Regs 36(4)

Issue No.	Issue	Resolution	Act or Regulation
51	Inspection of registers	The registers described above must be made available for inspection by members of the public during ordinary office hours on the payment of a fee fixed by the authority The registers described above must also be made available for inspection to an authorised offer appointed under the Act.	Act 53 (4)& (5)
52	Meeting the requirements of Section 53 of the Act relating to registers	All of the items highlighted in mauve come into effect from August 2014 and as such it gives the authorities some time to get their documents in order.	
53	Authorised Officers	<p>An Authorised Officer means -</p> <ul style="list-style-type: none"> • a police officer; or • a person appointed by the Minister; or • a council may appoint as an authorised officer a specified officer or employee of the council, or an officer or employee of the council of a specified class. • An appointment under the Act may be made subject to conditions limiting <ul style="list-style-type: none"> ○ the period during which, ○ the area within which, or ○ the purposes for which the appointee may exercise the powers of an authorised officer. • An authorised Officer (other than a police offer) must be issued an identity card <ul style="list-style-type: none"> ○ containing a photograph of the authorised officer; and ○ stating any conditions of appointment limiting the authorised officer's appointment. • Section 59 sets out the powers of authorised officers. 	Act 58 Act 59

Issue No.	Issue	Resolution	Act or Regulation
54	Closing a Cemetery	<p>The relevant authority for a cemetery may close the cemetery (or natural burial ground) if -</p> <ul style="list-style-type: none"> a) the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or b) <u>50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground</u> <p>✚ in the case of a cemetery or natural burial ground for which the council is the relevant authority - the Minister has approved the closure.</p> <p>Sections 24 to 28 detail the requirements to close a cemetery and Sections 51 and 52 detail the disposal of land formerly used or designated for cemetery purposes.</p> <p>The requirements are comprehensive and quite rigorous including, amongst other things, to prescribed community consultation, preservation of memorials and retention of cemetery records.</p> <p>Closing a cemetery is therefore a lengthy and difficult process.</p>	Act 24 to28 Act 51 & 52

INTERMENTS – BURIALS/CREMATIONS

A Cemetery Authority MUST maintain an Interment Register for all burial and cremation interments. (formerly known as Burial Register)

A Cemetery Authority may have multiple Interment Registers pertaining to various sections, zones or areas at the Cemetery.

Refer Issue No. 47 of CCASA’s Shortcuts to Legislation Compliance List
Act 53(1)(a) and Act 53(1)(b)(iii)
Regs 36(3)

A Cemetery Authority MUST maintain a Cemetery Plan – Act 53(1)(c)

What Happens When You Receive an Application for a Burial?

Your first point of contact is likely to be from the Funeral Director requesting an interment

Is this Burial for a NEW SITE with NO INTERMENT RIGHT IN PLACE? Or

Is this Burial for an EXISTING SITE with Interment Right (IR) in place? If YES - Is this the first Burial or second?

If there is an existing burial at the site – obtain the full name of deceased buried and/or the name of the Interment Right Holder to obtain the correct site description.

Contact your Grave Digger/Contractor to arrange the upcoming burial and date.

Application for Burial Interment

An Example of an [Application for Burial Interment Form](#) is provided, however, please ensure this form is edited to comply with your Cemetery’s practices and any future legislative changes.

When you receive a request for a burial interment, this Application Form can be sent to the funeral director for completing in the presence of the family and faxed/mailed to you when completed.

The image shows two pages of a form titled "Application for Burial Interment".

Page 1 (Left):

- APPLICATION FOR BURIAL INTERMENT:** Includes fields for Cemetery name, Burial Allotment Number, and Date of Burial.
- DECEASED DETAILS:** Includes fields for Full Name (Surname and Given Names), Former Address, Date of Birth, and Date of Death.
- BURIAL / INTERMENT INSTRUCTIONS:** Includes fields for Time of Graveside Service (am/pm), Coffin/Case size, Name of Deceased already buried, Removal of Ledger, and Funeral Director's details.
- Other Instructions:** Includes checkboxes for "Burial & IR to be entered on Cemetery Plan" and "Burial & IR entered into Database/Registrar".
- Burial Charges:** Includes fields for Interment Right, Grave Digging, Other Fees, and Total.

Page 2 (Right):

- INTERMENT RIGHT (IR) DETAILS:** Includes a section for "Cemetery to issue a NEW Interment Right for a new site?" with a Yes/No checkbox. It also includes fields for Name of New IR Holder, Address, Telephone, and Mobile.
- OR Interment Right / Lease ALREADY EXISTS:** Includes a Yes/No checkbox and fields for Name of Original IR Holder, Address, Telephone, and Mobile.
- Declaration:** A paragraph where the applicant acknowledges the rights and responsibilities and declares that all IR/Lease Rights/Holder is/are authorized to exercise the Interment Right.
- Transfer IR/Lease to:** Includes fields for Name, Address, Telephone, and Mobile.
- Signature Section:** Includes fields for the Cemetery Representative's signature and full name, and a witness's signature and full name.

INTERMENT RIGHTS

Plain English Statements

[Section 30.2 of the Burial and Cremation Act 2013](#) states that it is the responsibility of the Cemetery Authority to provide a written statement in plain English, before issuing an interment right to a person.

The plain English statement **must** include:

- all of the requirements of an interment right detail in as required by Section 30(1) of the Act;
- sets out the rights and responsibilities of the relevant authority and relatives of a;
- deceased in relation to any memorial to the deceased, and;
- details the cost of the interment right and any options for periodic payments;

A separate plain English statement is to provided for the:

- Issue of an interment right;
- Renewal of an interment right;
- Transfer of an interment right;

<p>ORIGINAL FORM ONLY, NO PHOTOCOPIES</p> <p>CCA/SA CEMETERY AUTHORITY</p> <p>BURIAL AND MEMORIAL SITES</p> <p>ISSUING OF AN INTERMENT RIGHT</p> <p>The following Plain English Statement is provided by the cemetery authority as required by the <i>Burial and Cremation Act 2013</i>. It is an important document. Please keep it with the original interment right.</p> <p>This statement describes the terms and conditions for interment in a grave or memorial site at the cemetery noted by this form must be completed and a signed copy of this document must be received by the cemetery authority before or memorial can be used.</p> <p>NAME OF THE INTERMENT RIGHT HOLDER(S) <i>In some circumstances two people may jointly hold the interment right.</i></p> <p>Name: Name: Address: Address: Contact number: Contact number: Email: Email:</p> <p>An Interment Right Holder has the right to decide who may be buried, have ashes placed or be memorialised in the interment site.</p> <p>NAME OF CEMETERY: Please add selection. <input type="checkbox"/> I/We will accept the next available grave or memorial position in our preferred section. <input type="checkbox"/> I/We or our funeral director will contact the cemetery to select a grave or memorial position.</p> <p>SECTION (e.g. Carols, Orthodox, General) <i>This may be known at the time of arranging a funeral.</i></p> <p>An interment right will be issued by the cemetery authority for the interment site. The path and site number will be confirmed by the cemetery on the interment right. The interment right does not mean that the holder owns the land.</p> <p>The cost of the interment right is \$..... (incl. GST). The interment right is issued for years. The interment right starts on (date)...../...../..... The interment right expires on (date)...../...../.....</p> <p>The interment right will be issued to the Interment Right Holder(s) by the cemetery authority after payment of the relevant fee. • The interment right may be used by the funeral director who will pass it on to the Interment Right Holder. • The interment right cost does not cover other services such as the grave-digging, burial, chapel, funeral director, hearse, memorial unless explicitly stated by the cemetery authority. • The interment right is subject to the conditions noted in this statement, the cemetery authority's operating policy and any rules or relevant laws in force during the term of the interment right. • Please note that the cemetery authority's operating policy, interment right conditions, policies and rules may change over time. The current version of these documents is available from the cemetery authority or on its website.</p> <p>I have read and understand the interment rights and responsibilities on the reverse of this page.</p> <p>NAME IN FULL: NAME IN FULL: SIGNATURE: SIGNATURE: (date):/...../..... (date):/...../.....</p> <p>WITNESS NAME IN FULL: SIGNATURE: (date):/...../.....</p>	<p>ORIGINAL FORM ONLY, NO PHOTOCOPIES</p> <p>CCA/SA CEMETERY AUTHORITY</p> <p>BURIAL AND MEMORIAL SITES</p> <p>RENEWAL OF AN INTERMENT RIGHT</p> <p>The following Plain English Statement is provided by the cemetery authority as required by the <i>Burial and Cremation Act 2013</i>. It is an important document. Please keep it with the renewed interment right.</p> <p>This statement describes the terms and conditions for interment in a grave or memorial site at the cemetery noted by this form must be completed and a signed copy of this document must be received by the cemetery authority in order to renew the interment right.</p> <p>NAME OF THE INTERMENT RIGHT HOLDER <i>In some circumstances two people may jointly hold the interment right.</i></p> <p>Name: Name: Address: Address: Contact number: Contact number: Email: Email:</p> <p>An Interment Right Holder has the right to decide who may be buried, have ashes placed or be memorialised in the interment site.</p> <p>LOCATION OF INTERMENT SITE</p> <p>NAME OF CEMETERY:..... INTERMENT RIGHT NUMBER:..... SECTION (e.g. Carols, Orthodox, General).....</p> <p>The interment site is located at The interment right does not mean that the interment right holder owns the land.</p> <p>COST AND TERM OF RENEWAL: The cost of renewing the interment right is \$..... (incl. GST). The interment right is renewed for years. The renewed interment right starts on/...../..... The renewed interment right expires on/...../.....</p> <p>The interment right will continue to be held by the Interment Right Holder(s) after payment of the renewal fee. • The interment right is subject to the conditions noted in this statement, the cemetery authority's operating policy, any cemetery rules or relevant laws in force during the term of the interment right. • Please note that the cemetery authority's operating policy, interment right conditions, policies and rules may change over time. The current version of these documents is available from the cemetery authority or on its website.</p> <p>I have read and understand the interment rights and responsibilities on the reverse of this page.</p> <p>NAME IN FULL: SIGNATURE: (date):/...../.....</p> <p>WITNESS NAME IN FULL: SIGNATURE: (date):/...../.....</p>	<p>ORIGINAL FORM ONLY, NO PHOTOCOPIES</p> <p>CCA/SA CEMETERY AUTHORITY</p> <p>BURIAL AND MEMORIAL SITES</p> <p>TRANSFER OF AN INTERMENT RIGHT</p> <p>The following Plain English Statement is provided by the cemetery authority. It is an important document. Please keep it with the interment right.</p> <p>This statement describes the terms and conditions for interment in a grave or memorial site at the cemetery noted by transfer of an interment right will only be registered once this form has been completed, signed and returned to the cemetery authority.</p> <p>TRANSFEROR (Current Interment Right Holder) TRANSFeree (New Interment Right Holder)</p> <p>Name: Name: Address: Address: Contact number: Contact number: Email: Email:</p> <p>LOCATION OF INTERMENT SITE</p> <p>NAME OF CEMETERY:..... INTERMENT RIGHT NUMBER:..... SECTION (e.g. Carols, Orthodox, General).....</p> <p>The interment site is located at The interment right does not mean that the interment right holder owns the land.</p> <p>INTERMENT RIGHT: The interment right was transferred on/...../..... The interment right expires on/...../.....</p> <p>• The interment right will be held by the Transferee since the transfer is registered by the cemetery authority. • The interment right is subject to the conditions noted in this statement, the cemetery authority's operating policy, any cemetery rules or relevant laws in force during the term of the interment right. • Please note that the cemetery authority's operating policy, interment right conditions, policies and rules may change over time. The current version of these documents is available from the cemetery authority or on its website.</p> <p>TRANSFEROR: I agree to transfer the interment right to the Transferee. NAME IN FULL: SIGNATURE: (date):/...../.....</p> <p>TRANSFeree: I have read and understand the interment rights and responsibilities on the reverse of this form. NAME IN FULL: SIGNATURE: (date):/...../.....</p> <p>WITNESS NAME: SIGNATURE: (date):/...../.....</p>
---	---	---

The Cemeteries and Crematoria Association of SA supply legally prepared Plain English Statements in books of 50 triplicate pages. To obtain your Plain English Statements – [Order here from CCASA's Website:](#)

For more information, please contact us at info@cemeteriessa.com.au

Interment Right document

An example of an [Interment Right document](#) (which is issued after the receipt of the Plain English Statement) is linked here.

Page 1 of 5

Cemetery Interment Right
 NO. FOR INTERMENT SITE NO.
 COMMENCING FOR A PERIOD OF YEARS

Background

A. The Insert name of Organisation (the **Church/Council/Cemetery**) owns or else has the care control and management of the Cemetery (the Cemetery).

B. Pursuant to Section 31 of the Burial and Cremation Act 2013 the may issue an Interment Right for the period specified in the document over any part of the Cemetery.

C. The person specified in Item 1 of the Schedule (the **Holder of the Interment Right**) wishes to grant from the Cemetery (the Cemetery) (this part of the Cemetery specified in Item 2 of the Schedule (the **Interment Site**)) for the period specified in Item 3 (the **Interment Right Period**) for the purposes of burying the person or persons (specified in Item 4 of the Schedule (the **Decesed**)).

D. Interment Rights held by more than one (1) person may be exercised or enforced jointly or severally.

E. The Cemetery (the Cemetery) agrees to grant to the Holder of the Interment Right such an Interment Right and the Cemetery (the Cemetery) and the Holder of the Interment Right agree that the following terms and conditions shall apply to the Interment Right.

F. **Include if your Cemetery has been a Crossed Beam site:**

Terms and Conditions

Subject to the Burial and Cremation Act 2013 (the Act) and Burial and Cremation Regulations 2014 (the Regulations)

- In consideration for the payment of the fee specified in Item 5 of the Schedule (the Fee) the Cemetery (the Cemetery) grants to the Holder of the Interment Right a right (commencing on the date specified (the Commencement Date) for the Interment Right Period for the purposes of burying the Decesed in the Interment Site.
- The Interment Right obliges Cemetery (the Cemetery).
- to permit the interment of the remains of the person to whom it relates at the Interment Site identified in, or determined in accordance with, the Interment Right; and
- to permit a memorial to the Decesed to be erected at the site with the approval of the Cemetery (the Cemetery) and in accordance with the terms of the Interment Right; and

CCASA – Example Interment Right – September 2021

Page 2 of 5

- to leave the remains undisturbed at that Interment Site for so long as the Interment Right remains in force; and
- to leave any memorial to the Decesed lawfully erected at that Interment Site, with the permission of the Cemetery (the Cemetery), undisturbed provided that the Interment Right remains in force and the memorial is kept in good repair).

3. The provisions of any other act, regulation, ordinance or by law in force in relation to the burial of the Decesed in the Interment Site shall apply to this Interment Right.

Memorials

4. Under Section 39 of the Act, a memorial to the Decesed (within Cemetery (the Cemetery)) cemetery is the personal property of the Holder of the Interment Right in respect of the Interment Site where the memorial is situated.

5. Under Section 40 of the Act, the Holder of the Interment Right is responsible for the maintenance of a memorial at that Interment Site.

6. The Holder of the Interment Right acknowledges and agrees that the Cemetery (the Cemetery) may, in accordance with Regulation 20 of the Regulations:

- The Holder of the Interment Right acknowledges and agrees that the Cemetery (the Cemetery) may, if the Interment Site in which the Decesed is buried sits below the level of the natural surface, cause the site of the Interment Site to be filled up to that level.
- The Holder of the Interment Right acknowledges and agrees that the Cemetery (the Cemetery) may, in accordance with Regulation 20 of the Regulations:

- cause to be removed from the Interment Site, any unattached ornament, empty flower container, broken masonry, decayed or broken urns or headstones; and
- cause to be planted, cut down or removed any plant on the Interment Site that is, in the opinion of the Cemetery (the Cemetery), unsightly or overgrown.

8. Cemetery (the Cemetery) will ensure:

- all interment, possession and control documents are:**
- graves are not enclosed with any railing or barrier;**
- markers, either cut or uncut, are placed in graves located along the concrete beam section and enclosed into the concrete site;**
- no railings, walls or other structures are erected or constructed over a grave in the grassed beam section.**

Cancellation of Interment Right

- If the Holder of the Interment Right fails to pay the Fee or else otherwise fails to comply with the terms and conditions specified in this Interment Right, the Cemetery (the Cemetery) may, if upon the expiration of a notice given to the Holder of the Interment Right in writing requiring the Holder of the Interment Right to pay the Fee or else rectify the breach within fourteen (14) days, the Holder of the Interment Right has not paid the Fee or rectified the breach, cancel this Interment Right.
- If the Cemetery (the Cemetery) cancels the Interment Right in accordance with Clause 9 the Cemetery (the Cemetery) may (to the extent permitted by law):

- reclaim the site and re-use the grave; or
- rectify the breach and recover from the Holder of the Interment Right the cost incurred in doing so from the amount which the Holder of the Interment Right owes to the Cemetery (the Cemetery) as a liquidated debt; or

CCASA – Example Interment Right – September 2021

Page 3 of 5

10.3 take whatever other action the Cemetery (the Cemetery) considers appropriate.

Transfer of Interment Right

11. This Interment Right may be transferred upon obtaining written consent of the Cemetery (the Cemetery). If the Holder of the Interment Right has died, the Interment Right may be exercised or enforced under Section 35(1)(b) of the Act by:

- the personal representative of the decesed; or
- if there is no personal representative, then a person determined in accordance with the Regulations.

Surrender of Interment Right

12. The Holder of the Interment Right, under Section 34 of the Act, may surrender an unexercised Interment Right. An unexercised Interment Right means a right to Interment Right under which:

- human remains are yet to be interred; and
- a memorial is yet to be erected.

On the surrender of an unexercised Interment Right, Cemetery (the Cemetery) will calculate the refund based on the formula applied under Schedule 1 of the Regulations, and that Interment Right will be discharged.

Renewal of Interment Right

13. Cemetery (the Cemetery) will, upon application by the Holder of the Interment Right (or the personal representative or person determined in accordance with the Regulations) and payment of the renewal fee fixed by the Cemetery (the Cemetery), renew the Interment Right for a period of not less than five (5) years and as defined by the Cemetery (the Cemetery) s policy.

14. Subject to the Regulations, Cemetery (the Cemetery) must, at least 12 months before an Interment Right is due to expire, take reasonable steps to give the holder of the Interment Right a written notice in a form approved by the Minister:

- setting out the Holder of the Interment Right entitlement to renew the Interment Right; and
- informing the Holder of the Interment Right that if the Interment Right is not renewed and there is a memorial to the decesed in the cemetery, the memorial may be reclaimed from the Cemetery (the Cemetery); and
- informing the Holder of the Interment Right of prescribed matters.

CCASA – Example Interment Right – September 2021

Page 4 of 5

Expiration of Interment Right

15. Upon the expiration of this Interment Right, Cemetery (the Cemetery) is entitled to re-use the Interment Site under Section 38 of the Act, provided Cemetery (the Cemetery) has taken the required steps to give the Holder of the Interment Right (or the personal representative or person determined in accordance with the Regulations) notice as set out in Clause 14.

SIGNED:

..... on the day of 20.....

(Insert name of authority of Church/Council/Cemetery)

SIGNED by the said who is either personally known to me or has satisfied me as to her identity: }

Signature of Adult Witness: _____

Full Name of Adult Witness: _____

Address: _____

Phone No: _____

CCASA – Example Interment Right – September 2021

Page 5 of 5

SCHEDULE OF INTERMENT RIGHT NO. ...
 CEMETERY

Item 1 (Holder of Interment Right)	Name: Address: Contact No:
Item 2 (Interment Site)	Row No.....
Item 3 (Interment Right Period) Years commencing on and expiring on
Item 4 (Decesed)	Name: Date Of Death: Date of Interment: Age: Depth of Burial:
Item 5 (Fee + 10% GST)	\$ + \$ = \$ (incl GST)

CCASA – Example Interment Right – September 2021

MONUMENTAL MASONS

CCASA is continuing to assist its members and is in the final stages of promoting the Monumental Masons Documentation System on its website. This on-line documentation system will enable members to quickly log-in to the CCASA website using their unique password to a secure area. Once logged in you can upload relevant WHS and Insurance information from the Monumental Mason who have submitted an Application for a Headstone or Memorial (see below). The value to our members is that they will no longer need to contact the monumental mason requesting all the required information prior to approving the Application for memorial works. This speeds up valuable resources and time from both our CCASA member and the Monumental Mason registered in this system.

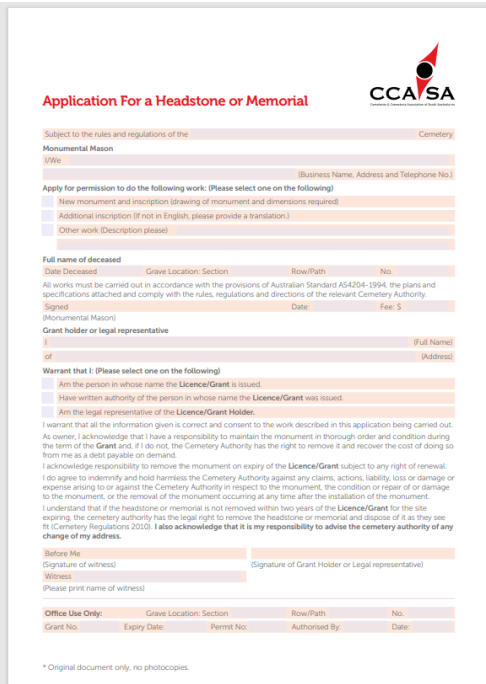
This site will provide members with the details of qualified Monumental Masons who have provided the following documentation:

Required Documentation


- Details of company name and key personnel;
- The names of the Officers as defined by the WHS Act 2012;
- Copies of current public liability insurance for \$20M;
- Copies of current Workcover Certificate;
- Full name of each employee who will possibly work in cemeteries;
- Copies of white cards for all employees who will possibly work in cemeteries;
- Copies of certification of load shifting equipment i.e. truck mounted cranes.
- Copies of relevant Safe Work Instructions/Safe Work Method Statements/Job safety Analysis

Application for Headstone or Memorial

Does your Cemetery Authority have an Application for Headstone or Memorial? Click onto [CCASA's document prepared for you.](#)



The image shows a form titled "Application For a Headstone or Memorial" with the CCASA logo. The form includes sections for Monumental Mason details, application type (New monument, Additional inscription, or Other work), deceased information, grant holder details, and a warrant section. It also contains a disclaimer and a witness section.

Application For a Headstone or Memorial 

Subject to the rules and regulations of the _____ Cemetery

Monumental Mason
I/We _____
(Business Name, Address and Telephone No.)

Apply for permission to do the following work: (Please select one on the following)

New monument and inscription (drawing of monument and dimensions required)

Additional inscription (if not in English, please provide a translation)

Other work (Description please)

Full name of deceased _____
Date Deceased _____ Grave Location: Section _____ Row/Path _____ No. _____

All works must be carried out in accordance with the provisions of Australian Standard AS4204-1994, the plans and specifications attached and comply with the rules, regulations and directions of the relevant Cemetery Authority.

Signed _____ Date _____ Fee: \$ _____
(Monumental Mason)

Grant holder or legal representative
I _____ (Full Name)
of _____ (Address)

Warrant that I: (Please select one on the following)

Am the person in whose name the Licence/Grant is issued.

Have written authority of the person in whose name the Licence/Grant was issued.

Am the legal representative of the Licence/Grant Holder.

I warrant that all the information given is correct and consent to the work described in this application being carried out. As owner, I acknowledge that I have a responsibility to maintain the monument in thorough order and condition during the term of the Grant and, if I do not, the Cemetery Authority has the right to remove it and recover the cost of doing so from me as a debt payable on demand.

I acknowledge responsibility to remove the monument on expiry of the Licence/Grant subject to any right of renewal. I do agree to indemnify and hold harmless the Cemetery Authority against any claims, actions, liability, loss or damage or expense arising to or against the Cemetery Authority in respect to the monument, the condition or repair of or damage to the monument, or the removal of the monument occurring at any time after the installation of the monument.

I understand that if the headstone or memorial is not removed within two years of the Licence/Grant for the site expiring, the cemetery authority has the legal right to remove the headstone or memorial and dispose of it as they see fit. (Cemetery Regulations 2010). I also acknowledge that it is my responsibility to advise the cemetery authority of any change of my address.

Before Me _____ (Signature of witness)
Witness _____ (Signature of Grant Holder or Legal representative)
(Please print name of witness)

Office Use Only: _____
Grant No. _____ Expiry Date: _____ Permit No. _____ Authorised By: _____ Date: _____

* Original document only, no photocopies.

RECORDS MANAGEMENT

BURIAL AND CREMATION ACT 2013 - SECT 37

37—Register of interment rights

- (1) *The relevant authority for a cemetery or natural burial ground must keep a register of all interment rights issued by the relevant authority.*

Maximum penalty: \$5 000.

- (2) *The relevant authority for a cemetery or natural burial ground must record in the register the location of and number allocated to, or a description of, each site in the cemetery or natural burial ground in respect of which an interment right has been issued.*

Maximum penalty: \$5 000.

BURIAL AND CREMATION ACT 2013 - SECT 53

53—Registers, records and plans to be kept by relevant authorities

- (1) *The relevant authority for a cemetery or natural burial ground must keep—*

(a) a register that—

- (i) identifies (so far as possible) persons whose remains are interred in the cemetery or natural burial ground; and*
- (ii) identifies the site in which the remains of each such person are interred; and*
- (iii) records exhumations of human remains interred in the cemetery or natural burial ground; and*

(b) a register containing prescribed particulars of—

- (i) interment rights issued by the relevant authority; and*
- (ii) memorials erected in the cemetery or natural burial ground; and*
- (iii) any other matters specified by the regulations; and*

(c) a plan of the cemetery or natural burial ground that shows—

- (i) each site at which human remains are interred; and*
- (ii) each site set aside for the interment of human remains.*

Maximum penalty: \$5 000.

- (2) *If an interment right in force identifies the site at which human remains are to be interred pursuant to the interment right, the relevant authority must include in the plan of the cemetery or natural burial ground the number allocated to, or a description of, that site.*

Maximum penalty: \$5 000.

- (3) *The relevant authority for a crematorium must keep prescribed records of cremations carried out at the crematorium.*

Maximum penalty: \$5 000.

- (4) *The registers kept by a relevant authority under this section must be made available for inspection by members of the public during ordinary office hours on payment of a fee fixed by the authority.*

Maximum penalty: \$5 000.

- (5) *A relevant authority must, at the request of an authorised person, produce a register kept by the authority under this section for inspection by that authorised person.*

Maximum penalty: \$5 000.

BURIAL AND CREMATION REGULATIONS 2014 - REG 36

36—Registers, records and plans to be kept by relevant authorities (section 53 of Act)

- (1) *A register under section 53(1)(b)(i) of the Act must include the following particulars in relation to each interment right issued by the relevant authority:*
- (a) *the full name and address of the holder of the interment right;*
 - (b) *if the interment right identifies the person or persons whose remains may be interred pursuant to the interment right—the full names of the persons;*
 - (c) *if the interment right identifies the site at which remains may be interred pursuant to the interment right—the location of the interment site;*
 - (d) *the period for which the interment right has been issued.*
- (2) *A register under section 53(1)(b)(ii) of the Act must include the following particulars in relation to each memorial erected in a cemetery:*
- (a) *the size of the memorial;*
 - (b) *the type of memorial;*
 - (c) *the name or names inscribed on the memorial;*
 - (d) *any epitaphs and other inscriptions on the memorial;*
 - (e) *the location of the memorial in the cemetery.*
- (3) *A register under section 53(1)(b)(iii) of the Act must include the following particulars in relation to each interment or re-interment in the cemetery or natural burial ground:*
- (a) *the name of the deceased person whose remains are interred;*
 - (b) *the age of the deceased person at the date of his or her death;*
 - (c) *the address of the last place of residence of the deceased person before his or her death;*
 - (d) *the date on which the interment or re-interment took place;*
 - (e) *the location of the interment site and the number (if any) allocated to the interment site;*
 - (f) *whether the remains interred or re-interred were bodily remains or cremated remains;*
 - (g) *in the case of bodily remains—*
 - (i) *whether the remains were interred or re-interred in a coffin, other receptacle or in a shroud only; and*
 - (ii) *whether the remains were interred or re-interred within a mausoleum or vault; and*
 - (iii) *the depth at which the remains were interred or re-interred;*
 - (h) *in the case of cremated remains—whether the remains were interred or re-interred in a cinerary urn or other container or directly in the earth;*
 - (i) *in the case of remains interred or re-interred in a mausoleum or vault—*
 - (i) *the location of the mausoleum or vault in the cemetery; and*
 - (ii) *if the remains were interred in a mausoleum or vault with more than 1 compartment—the compartment in which the remains were interred; and*

- (iii) *if the remains were interred in a vault—*
 - (A) *the number allocated to the vault site; and*
 - (B) *the depth of cover between the highest part of the vault and the surface of the ground.*
- (4) *A record under section 53(3) of the Act kept by a relevant authority for a crematorium must include the following particulars in relation to each cremation that takes place at the crematorium:*
 - (a) *the name and gender of the deceased person whose bodily remains were cremated;*
 - (b) *the age of the deceased person at the date of his or her death;*
 - (c) *the particulars set out on the certificate of identification relating to the deceased person whose bodily remains were cremated;*
 - (d) *the full name and address of the person to whom the cremation permit was issued;*
 - (e) *the date on which the cremation took place;*
 - (f) *the date on which the cremated remains were collected and the identity of the person who collected them;*
 - (g) *if known to the relevant authority—the manner of disposition of the cremated remains.*
- (5) *Section 53(4) of the Act does not apply in relation to the particulars referred to in subregulations (1)(a), (3)(c) and (4)(d).*

Where do we start?



Accurate and up to date records management is imperative for all Cemetery Authorities. As you can see by the legislation, there are heavy penalties if legislative requirements are not met. Are your systems and record keeping data up to date?

To transition from the traditional hard bound 'Burial' and 'Lease' Registers, it can be as simple as creating an Excel spreadsheet which includes all the abovementioned particulars and then methodically populating all the fields into that spreadsheet. With this scenario, you would need to create one spreadsheet for Interments (ie Burials and Cremations), one spreadsheet for Interment Rights (the Leases).

The below contacts are suggestions of who you can contact, but CCASA recommends seeking other company experts prior to making your decision.

Suppliers of Hard Copy Bound Register Books can still be purchased from:

✚ Allen Press, 2 Everard Avenue Keswick SA Ph: 8293 2225

Do your Registers require Restoration or Scanning into a digital format?

✚ Allen Press, 2 Everard Avenue Keswick SA Ph: 8293 2225

✚ Artlab Australia 70 Kintore Avenue Adelaide SA - Ph: 8207 7520 -

Need more Help?

There are companies who can assist with your records management requests (including training) and work within your budget range – from a simple database built around your excel spreadsheet into an Access Database to a more complex data management system.

Companies who may be able to assist smaller cemetery authorities:

[Debugit](#)

[Chronicle](#)

CCASA has two Sponsors who specialise in this area. Feel free to contact them.

The logo for OpusXenta features the word "Opus" in a teal, sans-serif font, followed by "Xenta" in a grey, serif font. A small "TM" trademark symbol is positioned to the upper right of the "a".

[OpusXenta](#)

[Cemetery Software, Crematorium Software](#)

A Comprehensive Records Management, Document Storage, and Mapping Solution for the Smaller or Historical Cemetery. For less than you might imagine, you get a solution that provides all the key functionality you need to manage your deceased records, to manage inventory and to showcase your cemetery.

The PlotBox logo consists of the word "PLOTBOX" in a blue, sans-serif font. The letter "O" in "PLOT" is replaced by a blue location pin icon.

[PlotBox](#)

PlotBox is a cloud based death care management solution that facilitates cemeteries in operating to world class standards. It pulls everything you need to do from Contracts to Accounting all into the ONE place, saving you time and money.

It is unique and significantly superior because unlike all other providers, it is the world's first solution to fully integrate two previously separate functions - software and mapping

CEMETERY LISTINGS

It is unfortunate that there is no central registry of all burial and cremation interments. As a Cemetery Authority you may be often asked for the whereabouts of a lost loved one in either your cemetery or another.

The Local Government Association formed a Statewide database whereby a number of Councils upload their cemetery records into one Database managed by the LGA. To access this Statewide database you need to go through a participating Council (not the LGA). Below is a link from one Council ([the Light Regional Council](#)) who provide their cemetery records to the Statewide database and where by using their search facility you can access interment records from the many Councils who participate.

Other Councils who participate in the Local Government Statewide database include:

Alexandrina	Copper Coast	Mid Murray	Renmark Paringa
Barossa	Elliston	Mount Barker	Robe
Barunga West	Franklin Harbour	Mount Gambier	Salisbury
Berri Barmera	Gawler	Northern Areas	Southern Mallee
Ceduna	Goyder	Onkaparinga	Streaky Bay
Clare & Gilbert Valleys	Grant	Orroroo Carrieton	Tumby Bay
Cleve	Kimba	Peterborough	Walkerville
Cooper Pedy	Kingston	Port Lincoln	Wudinna
Coorong	Loxton Waikerie	Port Pirie Regional	Yankalilla

Information provided for some historic burials may have been obtained from various sources such as headstone inscription or church records. Information obtained is deemed accurate but is subject to change.

CCASA's SA Cemetery Listing (comprised of Cemeteries managed or known by our Members).

[CCASA Cemetery Link](#)

SEARCHING FOR INTERMENTS AND LINKS

[Statewide Cemetery Interment Search](#)

Type in the deceased's name and search (All Statewide).

Two major Cemetery Authorities in South Australia are Centennial Park and the Adelaide Cemeteries Authority. Below are links to their website for quick access to their cemetery search facilities.

[Adelaide Cemeteries Authority](#)

[Centennial Park](#)

[Australian War Graves - Estelle Muspratt](#)

- [Our FAQs booklet;](#)
- [A fact sheet about what OAWG does;](#)
- [An advice sheet that talks about being prepared and planning ahead;](#)
- [Information posters about the program of official commemoration and gaining permission to use service badges on private commemorations;](#)
- [How to contact OAWG for details](#)