



The CCASA Handbook

2024-2025

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INTRODUCTION

The CCASA Information Handbook 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 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.

CCASA thanks the various Councils who have permitted the use of their various templates

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 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 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 <https://www.austlii.edu.au/au/sa/> It's always handy to save the link to your desktop.

DEFINITIONS

SECTION 3 – Interpretation of the Act

HUMAN REMAINS include:

- ***Bodily remains*** the whole or part of the body (whatever physical state) but does not include cremated remains, and
- ***Cremated Remains*** bodily remains that have been reduced by cremation; and
- The ***remains of a still-born child***

DISPOSAL of human remains means

- Cremation of bodily remains; or
- Burial of bodily remains (including burial at sea); or
- Placement of bodily or cremated remains in a mausoleum, vault, columbarium or other structure.

INTERMENT of human remains means

- 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).

A **PERSONAL REPRESENTATIVE** of a deceased person means a person aged 18 years or more who is —

- (a) the executor of the estate of the deceased person or, if there is more than 1 executor, 1 of the executors acting with the permission of all the other executors;
- or
- (b) the administrator of the estate of the deceased person

A **CLOSE RELATIVE** of a deceased person means—

- A spouse or domestic partner of the deceased; or
- a child of the deceased of or over the age of 18 years; or
- a parent of the deceased; or
- a brother or sister of the deceased of or over the age of 18 years; or
- if the deceased person was an Aboriginal person or Torres Strait Islander—a person who is an appropriate person according to the tradition or custom of the community to which the deceased person belonged;

An **INTERMENT RIGHT** means;

- An interment right issued under this Act by the relevant cemetery authority for a cemetery or natural burial ground.
- It is recommended that the term “interment right” be used in documentation and in language instead of “lease”, “licence” or “grant”.
- Different legal interpretations.

An **INTERMENT SITE** means;

- A mausoleum, vault, columbarium or other structure in which human remains are interred;
or
- A site in which human remains are buried;

A **LIFT AND DEEPEND PROCEDURE** means a procedure that consists of:

- opening an interment site; and
- recovering any human remains interred in the site; and
- deepening or otherwise enlarging the interment site; and
- re-interring the existing human remains in the place of interment, whether contained in a receptacle or not, so as to provide space for additional interments in the site;

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	<p>Cannot bury unless identifying information is checked and <u>recorded</u>:</p> <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	<p>Cannot bury 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>Name plate must</p> <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	<p>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> <p>Same as previous legislation</p>	Regs 15	
17	Filling of sunken graves	<p>Cemetery <u>may</u> cause a sunken grave to be filled up to the level of the natural surface of the ground.</p> <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	Cannot cremate unless a permit has been issued by the Registrar	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	
		<p>"memorial" means—</p> <p>(a) a gravestone, plaque, cenotaph or other monument; or</p> <p>(b) any other structure or permanent physical object used to memorialise a deceased person;</p>		
35	<p>Refund for an unexercised interment right</p> <p>LEGISLATION UPDATED 2022</p>	<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> in accordance with the following formula: $A - ((B \text{ divided by } C) \times D)$ Where:-</p> <p>A is the current fee payable for an interment right of the same kind. B is 75% of the current fee payable for an interment right of the same kind. C is the number of years for which the interment right was issued. D is the number of full years in the unexpired portion of the period for which the interment right was issued (but if the number of full years in the unexpired portion of the period for which the interment right was issued is more than 30 years, the unexpired portion of that period must be taken to be 30 years).</p> <p>UNDER SECTION 34(2) OF THE ACT ON THE SURRENDER OF THE INTERMENT RIGHT ISSUED IN PERPETUITY IS AN AMOUNT TO BE DETERMINED IN ACCORDANCE TO THE FOLLOWING TABLE – CLICK BELOW FOR LINK BURIAL AND CREMATION REGULATIONS 2014 - SCHEDULE 1 (austlii.edu.au)</p>	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 	Act 35(1) Regs 32	

Issue No.	Issue	Resolution	Act or Regulation	
		<ul style="list-style-type: none"> ○ 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; ▪ 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; 	Act 38(2)	

Issue No.	Issue	Resolution	Act or Regulation	
		<p><u>and</u></p> <ul style="list-style-type: none"> 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 <p><u>and</u></p> <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. <p>So a notice must be given to the personal representative or relative, or every reasonable step is made to do so. What constitutes reasonable steps? If the interment was 50 years ago is the personal representative going to be alive or found because they may have moved etc. What if you do not know of any relatives? Do you have to check the monument for names and then try and trace those people through electoral roles etc The two years since the notice was served is not two years since the interment right expired. 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>(3) The advertisement or notice referred to in subsection (2) must—</p> <ul style="list-style-type: none"> (a) set out the rights to renewal of the interment right; and (b) inform the personal representative or relative of the deceased that if the interment right is not renewed and there is a memorial to the deceased at the interment site, the person who held the interment right immediately before its expiry may reclaim the memorial from the relevant authority; and 	Act 38(3) Regs 33	

Issue No.	Issue	Resolution	Act or Regulation	
		<p>(c) inform the personal representative or relative of the deceased of any prescribed matters.</p> <p>And</p> <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. 		
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>	<p>Act 41(1)</p> <p>Act 41(4) & (5)</p>	

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>	<p>Act 41(2)</p> <p>Act 41(4) & (5)</p>	
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>	<p>Act 41(3)</p> <p>Act 41(4) & (5)</p>	
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 <u>must keep a register</u> 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; And Whether the remains were interred or re-interred within a mausoleum or vault; And 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 And If the remains were interred in a mausoleum or vault with more than 1 compartment – the compartment in which the remains were interred And If the remains were interred in a vault <ul style="list-style-type: none"> The number allocated to the vault And <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 <p><u>And</u></p> <ul style="list-style-type: none"> ○ The design of the memorial <p><u>And</u></p> • 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	An Authorised Officer means - <ul style="list-style-type: none"> • a police officer; or • a person appointed by the Minster; 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 to 28 Act 51 & 52	

INTERMENTS – BURIALS/CREMATIONS

Register of Interments

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 and follow your cemetery's policies and procedures.

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/emailed to you when completed.

The image displays two versions of the CCASA Application for Burial Interment Form. The left version is a full-page form with sections for Cemetery Details, Deceased Details, and Burial/Interment Instructions. The right version is a smaller, more detailed form with sections for Interment Right (IR) Details, Deceased Details, and Burial/Interment Instructions. Both forms include checkboxes for 'New Site' and 'Existing Site' and require the signature of the Cemetery Representative and the Funeral Director.

Identification

Identification of Deceased is now required for burial as well as cremation –

Major change but consistent and reduces risk of interment error.

SECTION 12 in the Act

- 1) ID
- 2) Subject to this section, a person must not cremate or inter bodily remains, or cause, suffer or permit the cremation or interment of bodily remains, unless he or she has seen—
 - a) a partial certificate of cause of death; or
 - b) a disposal authorisation; or
 - c) an authorisation to dispose of human remains granted by the Minister or the Registrar under this section,

And has recorded the prescribed particulars relating to the certificate or authorisation.

Key challenge for some Councils – cemetery authority must witness and record partial certificate or disposal authorisation prior to interment.

Not always been the case.

PARTIAL CERTIFICATE OF CAUSE OF DEATH

Form 6 – Burial and Cremation Act 2013 (section 12(2))

- 1 I am the doctor who was responsible for the deceased's care immediately before death or who examined the body of the deceased person after death under section 36 of the *Births, Deaths and Marriages Act 1996*, in relation to the death of (insert full name of deceased)

Who died on.....

- 2 I certify that the deceased died of natural causes.

Full name of doctor:

Address:

Signature of doctor:

Dated:

CERTIFICATE OF IDENTIFICATION OF DECEASED

Form 7 – Burial and Cremation Act 2013 (regulation 5)

I (insert full name)

of (insert address)

being a person who personally knew or the medical practitioner who was responsible for the medical care immediately before death of:

(insert full name of deceased)

late of (insert last residential address of deceased)

certify that -

- 1 On (insert date)
at (insert place where identification of deceased occurred)

I identified the body of a deceased person as being the body of the above named deceased and

- 2 I sighted an identification tag with the full name of the deceased and place of death:

or

The body was in a coffin bearing a name plate and the inscription marked

Signed:..... Dated:.....

Interment of name plate with human remains

REGULATION 17—

- 1) A person must not inter, or cause, suffer or permit the interment of, bodily remains in a cemetery or natural burial ground unless a name plate made of a durable material with the surname, at least 1 given name and the date of the death of the deceased engraved, printed or stamped on it in a manner approved by the designated Minister is—
 - a) in the case of remains interred in a coffin—affixed to the coffin; or
 - b) in the case of remains interred without a coffin—placed on top of the remains.

Interment can occur in a shroud - a coffin is not required.

SECTION 44 in Act recognises multicultural rights.

- 2) A person must not inter, or cause, suffer or permit the interment of, cremated remains in a cemetery or natural burial ground unless a name plate made of a durable material with the surname, at least 1 given name and the date of the death of the deceased engraved, printed or stamped on it in a manner approved by the relevant authority for the cemetery or natural burial ground is affixed to the outside of, or placed within, the receptacle that contains the remains.
- 3) Subregulation (2) does not apply in relation to the interment of cremated remains in the earth without a container

Depth of Interment

No change in requirements from previous Regulations

REGULATION 15—Depth of interment

- 1) A person must not inter, or cause, suffer or permit the interment of, bodily remains in a cemetery or natural burial ground so that any of the remains are at a depth of less than 1 metre from the surface of the ground.
- 2) Subregulation (1) does not apply to the interment of bodily remains in a mausoleum or vault in accordance with regulation 18.

Lift & Deepen vs Exhumation

- a) Skeletal remains recovered and placed lower in the same grave
- b) As per the Act, recovered remains may be placed in an Ossuary Wall located within the same cemetery. (relevant to end of tenure of mausoleum crypts)
- c) Anywhere else, even adjacent grave, the process is an exhumation
- d) **Exhumation must have Health Department & Attorney-General approval - Lift and Deepen does not.**

Attorney General must seek the view of the respective cemetery authority and “make a reasonable attempt to ascertain the views of the surviving close relatives of the deceased person.”

[Apply for an exhumation licence | Attorney-General's Department](#)

[Human remains | SA Health](#)

Removal of Ashes from Wall/Garden at Expiry of Interment Right

Please refer to this template which could be useful for your cemetery authority when an Interment Right Holder applies to have ashes removed from a niche wall or memorial garden.

INSERT LOGO HERE

REMOVAL OF ASHES AUTHORISATION AT EXPIRY OF INTERMENT RIGHT

I declare that:

I (full name)
[Interment Right Holder or Authorised Person (see below)]

of (address)

Email Phone

Being (indicate *✓* one only as applicable)

☐ the registered interment right holder; or

If the holder of the interment right has died, the personal representative of the deceased interment right holder, being a person aged 18 years or more who; (see *overleaf* for supporting documentation to be provided)

☐ is the executor of the estate of the deceased interment right holder; or
☐ a joint executor acting with the permission of all the other executors; or
☐ the administrator of the estate of the deceased interment right holder.

If there is no personal representative by the;

☐ surviving spouse or surviving domestic partner.

If there is no surviving spouse or domestic partner, by the eldest living relative of the deceased interment right holder in the following descending order of priority:

☐ a child;
☐ a grandchild or great-grandchild;
☐ a brother or sister;
☐ a parent;
☐ a grandparent;
☐ an aunt or uncle;
☐ a nephew or niece;
☐ a cousin;
☐ any other blood relative.

for: Cemetery Interment Right No Site No

and having provided proof of my identity, DO HEREBY AUTHORISE the 'Cemetery Authority' to remove the ashes and container from the niche wall/memorial garden and provide the ashes, container and plaque (if applicable) to me.

Signed Date

Interment Right Holder

Signature Date

'Cemetery Authority' Representative

INTERMENT RIGHTS

Register of Interment Rights

SECTIONS 37 and 53 of the ACT

- The relevant authority must keep a register of all interment rights issued by the authority,
- The authority must record in the register the location of and number allocated to, or a description of, each site in the cemetery in respect of an interment right has been issued.

REGULATION 36(1)

- The full name and address of the interment right holder;
- 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;
- If the interment right identifies the site at which the remains may be interred – the location of the interment site;
- The period for which the interment right has been issued.

Exercise or enforcement of interment rights

(refer to REGULATION 32)

SECTION 35 the Act—

1. If the holder of an interment right has died, the interment right may be exercised or enforced by -
 - (a) the personal representative of the deceased; or
 - (b) if there is no personal representative - a person determined in accordance with the regulations (r32)
2. If an interment right is held by more than 1 person, it may be exercised or enforced jointly or severally.

Useful clause – formerly defined under 16th century English common law and not clear – now clarified.

SECTION 36—Interment right not required for scattering of cremated remains

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;

ORIGINAL FORM ONLY, NO PHOTOCOPIES	ORIGINAL FORM ONLY, NO PHOTOCOPIES	ORIGINAL FORM ONLY, NO PHOTOCOPIES
<p>CCA/SA BURIAL AND MEMORIAL SITES ISSUING OF AN INTERMENT RIGHT</p> <p>The following Plain English Statement is provided by the cemetery authority as required by the Burial and Cremation Act 2013. 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 below. This form must be completed and a signed copy of this document must be received by the cemetery authority before an interment right can be issued.</p> <p>NAME OF THE INTERMENT RIGHT HOLDER(S) - In some circumstances two people may jointly hold the interment right.</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 right.</p> <p>NAME OF CEMETERY:</p> <p>Please tick 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 (ie, Catholic, Orthodox, General. This may be known at the time of arranging a funeral)</p> <p>An interment right will be issued by the cemetery authority for the interment site. The plot and site number will be noted 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 for grave digging, burial, chapel, funeral director, headstone, 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: SIGNATURE: (date):/...../.....</p> <p>WITNESS NAME IN FULL: SIGNATURE: (date):/...../.....</p>	<p>CCA/SA BURIAL AND MEMORIAL SITES RENEWAL OF AN INTERMENT RIGHT</p> <p>The following Plain English Statement is provided by the cemetery authority as required by the Burial and Cremation Act 2013. 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 below. 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 - In some circumstances two people may jointly hold the interment right.</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 right.</p> <p>LOCATION OF INTERMENT SITE</p> <p>NAME OF CEMETERY: INTERMENT RIGHT NUMBER: SECTION (eg, Catholic, 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:</p> <p>The cost of renewing the interment right is \$..... (incl. GST). The interment right is renewed for years. The renewed interment right starts on (date)/...../..... The renewed interment right expires on (date)/...../.....</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 and 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>CCA/SA BURIAL AND MEMORIAL SITES 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 below. This form must be completed and a signed copy of this document must be received by the cemetery authority before a 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) TRANSFEE (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 (eg, Catholic, 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:</p> <p>The interment right was transferred on (date)/...../..... The interment right expires on (date)/...../.....</p> <p>• The interment right will be held by the Transferee once 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 and 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.</p> <p>NAME IN FULL: SIGNATURE: (date):/...../.....</p> <p>WITNESS NAME: SIGNATURE: (date):/...../.....</p> <p>TRANSFEE: 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: 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

SECTION 30 of the ACT (cont.)

An interment right may provide for such numbers of interments at the site that the authority considers is within the capacity of the site.

AN INTERMENT RIGHT OBLIGES the authority

- To permit the interment of the remains of the person to whom it relates at the site identifies in, or determined in accordance with , the interment right; and
- To permit a memorial to the deceased person to be erected at the site with the approval of the authority and in accordance with the interment right; and
- To leave the remains undisturbed at the site for as long as the interment right remains in force; and
- To leave any memorial to the deceased lawfully erected at the site, with the permission of the relevant authority, undisturbed (provided the interment right remains in force and the memorial is kept in good repair).
- The authority may, at the request of the interment right holder, carry out a lift and deepen for the purpose of interring additional human remains.

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

The document is a multi-page form titled "Cemetery Interment Right". It is divided into several sections:

- Page 1 of 3:** Contains the title "Cemetery Interment Right" and a section for "Background" with fields for the name of the person, the cemetery, and the interment right.
- Page 2 of 3:** Contains the "Terms and Conditions" section, which includes a list of conditions and a "Consent of Interment Right" section with a table for scheduling interments.
- Page 3 of 3:** Contains the "Consent of Interment Right" section, which includes a table for scheduling interments and a "Consent of Interment Right" section with a table for scheduling interments.

The document is marked with a large "EXAMPLE" watermark.

MONUMENTAL MASONS

The documentation listed below is considered the minimum information that should be required by a Cemetery Authority from a Monumental Mason (or any other contractor undertaking high risk activities) completing monumental work in a cemetery.

- Details of company name and key personnel (PCBU);
- 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

This list is simply the documents that a Cemetery Authority is recommended to obtain from a monumental mason before approving them to work in their cemetery(s). This documentation will cover a Cemetery Authorities insurance and WHS obligations under the WHS Act 2012.

A Cemetery Authority can choose not to request this documentation from monumental masons, noting that they are putting themselves at a level of insurance & WHS risk by not doing so.

Council operated cemeteries are also expected to request this information to meet with their obligations under the self-insurance licence held by the Local Government Association of SA.

In summary it is not a legal requirement to specifically request this documentation however in doing so a Cemetery Authority is meeting with its insurance and WHS obligations. In providing this list, CCASA is simply advising its members of the documentation that a Cemetery Authority is recommended to obtain from monumental masons before completing monumental work in their cemeteries.

It is also noted that this documentation was previously required and provided by monumental masons who were registered under the former CCASA Monumental Mason Licencing System.

Application for Headstone or Memorial

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

Application For a Headstone or Memorial		CCA/SA	
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)			
<input type="checkbox"/> New monument and inscription (drawing of monument and dimensions required)			
<input type="checkbox"/> Additional inscription (if not in English, please provide a translation.)			
<input type="checkbox"/> 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		(Full Name)	
I		Address	
Warrant that I: (Please select one on the following)			
<input type="checkbox"/> Am the person in whose name the Licence/Grant is issued.			
<input type="checkbox"/> Have written authority of the person in whose name the Licence/Grant was issued.			
<input type="checkbox"/> 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 Grant Holder or Legal representative)	
(Signature of witness)			
Witness			
(Please print name of witness)			
Office Use Only:			
Grant No.	Expiry Date:	Permit No.	Authorised By:
			Date:

* Original document only, no photocopies.

Memorials

SECTION 39 - 41

- The memorial is the personal property of the interment right holder irrespective of when the memorial was erected (i.e. even before 1 February 2014).
- So long as the authority follows the Act and Regulations it may dispose of a memorial
- The interment right holder has the obligation to maintain the memorial or may contract the authority to do so.
- If the memorial become unsafe the authority may give notice to repair the memorial to the interment right holder to carry out repairs.
- If the repairs are not done the authority may do the repairs and then recover the cost from the interment right holder.
- If the matter is urgent the authority may act to repair the memorial on the grounds of safety and then seek to recover the cost.

Power of relevant authority to dispose of unclaimed memorial

SECTION 42 and REGULATION 34

If

- a) 2 years or more have elapsed
 - i. Since an interment site has expired; or
 - ii. Since a cemetery was dedicated as parklands or converted into a public park or garden; and
- b) A memorial to the deceased is situated at the interment site or elsewhere in the cemetery; and
- c) The authority has given notice of its intention to remove and dispose of the memorial –
 - i. By public advertisement in a newspaper circulating throughout the State; and
 - ii. By written notice affixed to the memorial; and
- d) The authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and
- e) Six months has elapsed since notice under the section and the memorial is not claimed.

The authority may remove the memorial from the cemetery and dispose of it as it thinks fit.

If the memorial is disposed of by the authority it must keep prescribed records in relation to the memorial that must include – Since an interment site has expired; or

- a) A digital photograph of the memorial that shows
 - i. Any inscription on the memorial; and
 - ii. The design of the memorial; and
- b) Particulars of the previous location of the memorial within the cemetery; and
- c) If not evident from the digital photograph – details of the materials from which the memorial was made.

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:

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

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

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.

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



[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.



[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.

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).

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). Click on the Council's below 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.

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.

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](#)

WHAT DATA INFORMATION CAN THE PUBLIC HAVE? -DATA FIELDS FOR WEBSITE/PUBLIC ACCESS

THE FOLLOWING 'YES' FIELDS ARE APPROPRIATE FOR THE LOCAL GOVERNMENT ASSOCIATION STATEWIDE DATABASE AND/OR CAN BE FIELDS MADE AVAILABLE BY CEMETERY AUTHORITIES ON THEIR WEBSITE.

The following 'YES' fields are required by the LGA Statewide Database if your Cemetery Authority is promoting your cemeteries via this on-line platform.

These 'YES' Statewide Database Fields were confirmed as appropriate for public information by the CCASA Executive Committee at its meeting held 23 March 2022.

Surname	Yes
Given names	Yes
Denomination	No
Cemetery Section	Yes
Grave Row	Yes
Plot	Yes
Last Residence	No
Date of Birth	Yes
Date of Death	Yes
Age	Yes
Cause of Death	No
Place of Death	No
Funeral Date	No
Minister	No
Buried with	No
Grave Depth	Yes
Funeral Director	Yes
Permit No	No
Type of Interment	Yes
Right of Interment Expiry Date	Yes
Interment Right No	Yes
Burial No	Yes
Comments	Yes – ie buried with
Inscription	No
Description	No
Photo of Headstone	Yes

CCASA recommends that Cemetery Authorities continue to update their records to the LGA Statewide Database. [For more information please refer to this link on the presentation held by John Mundy of LGA where he presented at the CCASA Information Forum on 16 September 2022.](#)

Feel free to contact John Mundy, Manager Web Solutions LGA at: john.mundy@lga.sa.gov.au.

MEMORIALS AND PLAQUES

As a cemetery authority you would be involved in creating beautiful spaces for the placement of burial sites and for ashes interments.

If you require ideas or assistance in arranging for the production of plaques and memorials for your cemeteries, CCASA has three sponsors who will be able to assist your individual needs.



Phoenix specialises in creating cast bronze memorial and commemorative plaques that will ensure the memories of your loved ones and your special events are kept alive and strong forever



Arrow Bronze is located in Dandenong South where the tradition of memorial products and services of the highest quality continues since the early 1920's



Everlon creates bronze memorial and commemorative products to match your cultural values and expectations.

CREMATION LOCATIONS IN SA

The following table is a summary of crematorium locations in SA and number of cremators at each facility.

Crematorium Operator	Location	Number of Cremators
Centennial Park Cemetery	Pasadena	3*
SA Cremations Services (Fulham Funerals)	Seaford	1 + 1*
Norther Regions Crematorium (Taylor & Forgie Funerals)	Gawler	4*
Adelaide Cemeteries Authority	Enfield Memorial Park, Clearview	3*
Western Cremation Services (Tony Monte Funerals)	Port Adelaide	1
Riverland Crematorium (Riverland Funerals)	Berri	1
Port Lincoln (Private)	Port Lincoln	1
Whyalla Council	Whyalla	1
City of Mount Gambier	Mount Gambier	1