



PUBLIC CONSULTATION REPORT
CEMETERY MANAGEMENT POLICY



14th July 2015

Yorke Peninsula Council

Background

The new Burial and Cremation Act 2013 (*the Act*) came into effect at the introduction of the Burial & Cremation Regulations 2014 (*the Regulations*), in 2014.

The Act and Regulations are a comprehensive framework which provides for the policies and procedures which need to be adhered to by Council in discharging our responsibilities and regulatory powers under the Act.

The current Council PO132 Cemetery Management policy does not reflect the Act and Regulations in at least some areas and on review requires updating. All updates to the Policy are a result of legislation on the management of cemeteries in South Australia.

Permission was sought at the 8 July 2015 Council meeting to proceed with public consultation to enable Council to provide the information of the Burial & Cremation Act and Regulations, to the public within the Council area.

In addition as Council does not currently have a policy in place for a burial outside a cemetery within the Council area one has been included in the revised PO132 Cemetery Management Policy. A form has also been prepared for requesting Council's permission to proceed with a burial outside a Council cemetery. Permission is necessary in accordance with the Act.

The Act and Regulations

The Local Government Association (LGA) funded an external party to develop a Model Policy and Guideline to assist Councils to consider and discharge their responsibilities under the Act.

The Policy draft was made available to Council staff at the 2015 Cemetery & Crematoria Assoc. of SA (CCASA) Information Day. The revised PO132 policy was prepared using this model to ensure Council meet the revised requirements for the operation and regulation of Council cemeteries.

The legislation contains significant penalties for breaches of the Act by individuals and Council.

The Act includes –

- The use of natural burial grounds (NBGs) in addition to conventional cemetery interments; (Refer to Section 22 of the Act)
- The re-use of existing interment sites where the interment right has lapsed (Refer to Section 38 of the Act & Section 33 of the Regulations); and
- The conversion of closed cemeteries and NBGs into parklands, public parks and gardens; (Refer to Section 26 of the Act & Section 29 of the Regulations)

In accordance with the Act, permission must first be granted by Council before a burial is to take place within the Council area, when outside a cemetery on private rural land.

This requirement has been included in the draft PO132 Policy and to facilitate the requirement a new form titled 'Interment Authority Requesting Permission to Inter Bodily Remains on Private Land Other Than a Cemetery' has been introduced.

By stipulating that burials outside a cemetery be within the zoned area of Primary Production, Council ensures that as per the Act, burials outside a cemetery only occur in a prescribed area being an area outside a township. The Primary Production zone would also exclude areas zoned Coastal.

Purpose of Public Consultation

Consultation with the community has been undertaken to inform the community of changes to Council's PO132 Cemetery Management Policy.

Consultation process

Public Consultation is the first step in the process to inform the community of Council's revised PO132 Cemetery Management Policy document which has been prepared in accordance with the Burial & Cremation Act 2013 and the Burial & Cremation Regulations 2014.

The public consultation process entails advertising a notice in the YP Country Times and on Council's website on the 14th July 2015 with this information report made available at Council offices and on Council's website.

After 28 days consultation a report will be prepared for Council for consideration, outlining the outcome of the public consultation process including any feedback received.

The public can formally participate in the consultation process by providing comment on the legislation which is to be received no later than **5:00 pm on Monday 10th August 2015**.

Please forward any comment in writing or by email to:

Cemetery Management Policy
Yorke Peninsula Council
PO Box 88
Minlaton SA 5575

Email: admin@yorke.sa.gov.au

It is planned that the matter will be considered at the **9th September 2015** Council meeting.

All questions regarding the consultation process can be directed to

Marilyn Mensforth, Property Tenure Officer on (08) 8832 0000.

Andrew Cameron

Chief Executive Officer