



Use of Hindmarsh Cemetery Policy

Reference Number:	4.4
Type:	Council
Category:	Safety & Community
Relevant Community Plan Outcome:	<ul style="list-style-type: none"> Charles Sturt is made up of strong and vibrant communities; we celebrate our identity, heritage and cultural diversity. People feel a sense of belonging, inclusion and social connectedness
Responsible Officer(s):	Manager Governance & Operational Support
First Issued/Approved:	August 2000
Minutes Reference:	CoS 3/04/2023, Item 4.18
Last Reviewed:	April 2023
Next Review Due:	April 2025
Applicable Legislation:	Local Government Act 1934 Burial and Cremation Act 2013 Burial and Cremation Regulations 2014 Heritage Places Act 1933 Headstones and Cemetery Monuments AS4204-2019
Related Policies:	N/A
Related Procedures:	Hindmarsh Cemetery Procedures

1. Purpose

This policy outlines Council direction on the management of the existing interment sites, interment rights and memorials for the Hindmarsh Cemetery.

The Hindmarsh Cemetery is located on the corner of Adam Street and South Road, Hindmarsh, on the northern banks of the River Torrens. The cemetery was one of the earliest cemeteries established in South Australia. The first burial occurred on 21 April 1846.

The cemetery was conducted by a committee appointed by the land holders of the Town under one of the trust deeds, dated 1839. The Trust continued to administer the cemetery until it was officially handed over to the Hindmarsh Corporation in 1926.

In 1985 the Council commissioned Dr Robert Nicol to undertake a Heritage Study of the cemetery which included identifying graves and headstones of significance. The report identified that due to the lack of understanding of the importance of individual monuments and vandalism some of the original character of the cemetery had been lost. Council then resolved in 1986 to cease issuing any new interment rights however all existing interment rights (leases and rights of renewal) were to be honoured.

2. Scope

This policy only covers the Hindmarsh Cemetery located at the corner of Adam Street and South Road, Hindmarsh, which is a Council owned and operated cemetery (with Council acting as the relevant authority).

3. Policy Statement

Council will manage interment sites, interment rights and memorials at Hindmarsh Cemetery in accordance with relevant legislation.

Interment and Interment Rights

The City of Charles Sturt (Council) will permit interments at the Hindmarsh Cemetery in accordance with the Burial and Cremation Act 2013 ("the Act").

Council will not issue any new interment rights for Hindmarsh Cemetery; however, all existing interment rights will be honoured.

Council will permit renewal of Interment Rights in accordance with s32 of the Act. An existing interment right may be renewed for a 30 year term, and will be limited to the person named on the interment right for the site identified. This may be extended one time only to their spouse, for their own personal interment. Interment rights are not transferrable to other family members.

Upon expiry of an interment right, Council will not re-use the interment site to which the interment right relates.

Memorials

Memorials in relation to an interment right can only be erected with the approval of Council in accordance with the terms and conditions contained within the relevant permit. A memorial to a deceased person is the personal property of the interment right holder, who is responsible for the maintenance of a memorial at the interment site in accordance with Division 4 of the Act. And in accordance with AS4204 2019.

Scattering of Ashes

Council will permit the scattering of cremated remains without an Interment Right within the Hindmarsh Cemetery ground in accordance with s36 of the Act.

State Disasters

Where a State Disaster is declared the City of Charles Sturt may be asked to make parts of the cemetery available for burials. If this is the case, only areas without interment rights will be made available to the State Government.

Policy Exemptions

Any requests for an exception to this policy must be put in writing for consideration and decision by Manager Governance & Operational Support.

4. Definitions

Words and phrases used in this policy have the same meaning as they do in the Burial & Cremation Act 2013 and/or the Burial & Cremation Regulations 2014