



Cemetery Policy

Policy Classification	Council Policy
First Issued:	14 November 2012
Dates of Review:	October 2025
Version Number:	8
Applicable Legislation:	<i>Primary Legislation</i> <i>Local Government Act 1999</i> <i>Burial and Cremation Act 2013</i> <i>Burial and Cremation Regulations 2014</i> <i>Associated Legislation</i> <i>Births Deaths and Marriages Registration Act 1996</i> <i>Births Deaths and Marriages Regulations 2011</i> <i>Work Health and Safety Act 2012</i> <i>Births Deaths and Marriages Registration Regulations 2011</i> <i>Family Relationship's Act 1975</i> <i>Work Health and Safety Regulations 2012</i>
Related Policies or Documents:	Planning and Design Code Public Health (Human Remains) Fact Sheet
Associated Forms:	Cemetery Interment Right Burial on Private Land Application Notification of Death Burial
Responsible Manager:	Director Corporate Service
Approved by Council:	14 October 2025
Minutes Reference:	OM340:2025

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Cemetery Policy

2. Preamble

- 2.1. Council has care and control of five cemeteries within the Council area; three cemeteries are currently operational, being American River, Kingscote and Penneshaw.

The Kangaroo Island Council (Council), as the anointed Cemetery Authority, will efficiently and effectively operate the cemetery facilities in a caring and equitable manner that meets the needs of the community.

- 2.2. The Cemetery Policy guides management and staff in the day-to-day operation of the cemeteries under the ownership or care, control, and management of the Council. It is a reference point for members of the public seeking guidance on the decision-making process.

3. Purpose

- 3.1. This Policy provides administrative guidelines regarding the interment of human remains, whether they be by burial or cremation and whether a burial is to take place within a defined cemetery precinct or on private land.
- 3.2. This Policy will manage and care for the cemeteries within the Kangaroo Island Council area within the guidelines of Council's cemetery management plans.

4. Scope

- 4.1. This Policy applies to the 5 cemeteries under Council's care and control.

4.1.1. Penneshaw Cemetery, Hog Bay Road, Penneshaw (Operational)

- a. Some sections of the Penneshaw Cemetery are State Heritage listed.
- b. Prior to all works in the heritage listed sections of Penneshaw Cemetery (burials, erection of headstone, plaques, urns etc.) a development application must be submitted through the PlanSA online portal which will be referred to Heritage SA (DEW) for approval.

4.1.2. American River Cemetery, Redbanks Road, American River (Operational)

4.1.3. Kingscote Cemetery, Seaview Road and Cordes Road, Kingscote (Operational)

4.1.4. The Pioneer Cemetery (Reeves Point), Kingscote (Heritage Listed, Closed)

- a. This cemetery holds the remains of the Early Settlement inhabitants who arrived on Kangaroo Island in 1836.

4.1.5. Emu Bay Historical Cemetery, Wallaby Run, Emu Bay (Closed)

- 4.2. This Policy also applies to interments being undertaken on private properties that meet the criteria established by the *Burial and Cremation Act*.

- 4.3. The Policy applies the instruments of the *Burial and Cremation Act 2013 (SA)*, *Burial and Cremation Regulations 2013 (SA)* *Coroner's Act 2003 (SA)*., In the case of

Penneshaw Cemetery, the Policy recognises that a section of that cemetery is listed as a State Heritage site.

5. Definitions

- 5.1. **CEO** means the Chief Executive Officer of the Kangaroo Island Council.
- 5.2. **Council** means the Kangaroo Island Council.
- 5.3. **Kangaroo Island Council (KIC)** means the administration.
- 5.4. **Authorised Officer** means a person appointed by the Minister or Kangaroo Island Council as an authorised officer under this Act.
- 5.5. **Bodily remains** means the whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated.
- 5.6. **Cemetery** means a place set apart for the disposal and memorialisation of human remains, but does not include:
- a. a place at which cremated remains are scattered but is not otherwise used for the disposal of human remains; or
 - b. an Aboriginal site as defined in the Aboriginal Heritage Act 1988; or
 - c. a natural burial ground; or
 - d. a place which consists of a single interment site where only –
 - i. the remains of 1 deceased person; or
 - ii. the remains of 2 or more members of the same family are, or are intended to be, interred.
- 5.7. **Cemetery Authority** means the Kangaroo Island Council.
- 5.8. **Cremated remains** means bodily remains that have been reduced by cremation.
- 5.9. **Disposal authorisation** means an authorisation to dispose of human remains granted under the *Coroners Act 2003* or a corresponding authorisation as defined in the Act.
- 5.10. **Domestic partner** means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not.
- 5.11. **Funeral director** means a person who carries on the business of arranging for the disposal of human remains.
- 5.12. **Human remains** means bodily remains and includes –
- a. the remains of a still-born child; and
 - b. bodily remains after they have been cremated.
- 5.13. **Interment of human remains** means –

- a. the placement of human remains in a mausoleum, vault, columbarium, or other structure designed for the placement of such remains; or
- b. the burial in the earth of human remains (directly in the earth or in a container).

5.14. **Interment right** means an interment right issued under the Act by the relevant authority for a cemetery or natural burial ground.

5.15. **Interment site** means –

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

5.16. **Medical practitioner** means a person registered under the Health Practitioner Regulation National Law to practice in the medical profession (other than as a student).

5.17. **Memorial** means –

- a. a gravestone, headstone, monument, plaque, cenotaph; or
- b. any other structure or permanent physical object used to memorialize a deceased Person, must be approved by Council.

5.18. **Memorial Plaque** means the type of plaque.

5.19. **Perpetuity** means an interment that allows for remains to be left in place, undisturbed forever, acting as a permanent burial or memorial place, with no fixed term, although the land is not owned as such.

5.20. **Private Property Burial Site** means a burial site situated on private land as approved by Council in accordance with the *Burial & Cremation Act 2013*, the Environment Protection Act 1993 and SA Health's – Health Protection Programs.

5.21. **The Act** means the *Burial and Cremation Act 2013*.

5.22. **The Regulations** means the *Burial and Cremation Regulations 2014*.

6. Policy Statement

6.1. Council is committed to complying with Section 6 of the South Australian *Burial and Cremation Act 2013* which states:

- a. *'It is the intention of Parliament that human remains be treated at all times with dignity and respect.'*

6.2. The Cemeteries shall be considered open daily throughout the year from dawn to dusk. No person other than an employee duly authorised by Council shall be permitted to enter or remain within the Cemetery grounds after dark.

6.3. The scale of fees and charges for cemetery services are reviewed yearly and are current from 1st July to 30th June annually. The current Schedule of Fees and

Charges is available on the Kangaroo Island Council website
www.kangarooisland.sa.gov.au.

- 6.4. Council will, upon payment of the appropriate fee, as set down in the current fees and charges, grant an exclusive interment right in the next designated space in an orderly system within the cemetery as approved by the Cemetery Authority.
- 6.5. Any new section of a cemetery that is developed and opened for use will be managed in accordance with this policy.
- 6.6. Council requires a minimum notification from Funeral Directors of three business days' notice prior to an interment being undertaken.
- 6.7. The installation of burial vaults in Council cemeteries is NOT permitted.

6.8. Interment Rights

- 6.8.1. Council can pre-sell interment rights for any of its operational cemeteries.
- 6.8.2. An Interment Right Notice will be issued along with Interment Rights and conditions. Payment will be charged as per Council's fees and charges.
- 6.8.3. A plot number or niche must be provided at the time the Interment Right is issued and payment is received.
- 6.8.4. A companion (double) interment right may be purchased for the columbarium walls. This means adjacent niches are issued for the 2 interments. This applies the same as Burials.
- 6.8.5. Multiple interments are permitted in an interment site, being either a columbarium niche or gravesite,. Written permission from the interment right holder or interment right holders for the site is required for each new interment.
- 6.8.6. The first interment right being purchased at full cost and each subsequent interment thereafter incurs no interment right fee but does incur a fee for the burial interment or placement of cremated remains.
- 6.8.7. Council will honour all previously purchased licences, leases, grants, and interment rights for a period of 99 years commencing on the date of purchase of the said lease.
- 6.8.8. All sites previously leased that are still required are registered in the Council Cemeteries Records systems and registers.
- 6.8.9. If an interment right has been pre-purchased, and where that allotment has not been used (within the 99-year period), the Lease may not be transferred from one allotment to another, and ownership will automatically transfer to the Council.
- 6.8.10. A current tenured Interment Right may be transferred to another person via the completion of Council's approved *Transfer of Interment Right* form.
- 6.8.11. If the Interment Right is no longer required and the Interment Right holder wishes to relinquish the Interment Right, ownership of that Interment Right will transfer back to Council.

- 6.8.12. Any refunds payable for relinquished “unexercised interment rights” will be calculated and paid in accordance with Section 34 of the *Burial and Cremation Act 2013* (SA), and Regulation 31 and Schedule 1 of the *Burial and Cremation Regulations 2014* (SA) based upon the current fee for an equivalent site.

“Unexercised interment right” means a current interment right under where human remains are yet to be interred or a memorial is yet to be erected.

Refunds are not payable on “exercised interment rights.”

- 6.8.13. Council may issue Interment Rights for a specified period, as stated on the interment right, or in perpetuity.

If no term of tenure is specified on the interment right, it will be deemed to have been issued in perpetuity.

- 6.8.14. The Council has the right to refuse any application for an Interment Right.

- 6.8.15. No interment shall, under any circumstances, be permitted in any of the cemeteries or Columbarium’s until an interment right has been signed and formally authorised.

- 6.8.16. Council will offer Interment Rights for Single or Double depth plot for a term of 99 years.

The Right to a Double depth Interment is to be paid for and issued at the same time, with the 99-year period commencing from the date of the first interment.

When a single depth interment Right is applied for, there is no commitment, implied or otherwise, that any adjacent site will be kept available for other family members unless an interment Right for the adjacent site/s is also issued.

- 6.8.17. The Council shall keep Registers, records and plans as required by section 53 of the *Burial and Cremation Act 2013* (SA).

- 6.8.18. A notice or document required or authorised to be given or sent to, or served on, a person shall comply with section 65 of the Act and may –

- a. be given to the person personally; or
- b. be posted in an envelope addressed to the person at the person’s last known nominated contact, residential, business, or registered address; or
- c. be left for the person at the person’s last known nominated contact, residential; or
- d. business or registered address with someone apparently over the age of 16 years; or
- e. be transmitted by fax or email to a fax number or email address provided by the person (in which case the notice or document will be taken to have been given or served at the time of transmission).

- 6.8.19. Opening of interment sites, exhumation or re-interment must be conducted in accordance with Section 13 of the *Burial and Cremation Act 2013* (SA) and Regulation 11.

6.9. Burials

6.9.1. Council may offer single, double, or triple depth interments in each earth burial site. The availability of burial depths is dependent upon practical and operational issues at each interment site location.

Coffins must be interred so that any of the remains are at a depth of less than 1 metre from the surface of the ground. (Regulation 15).

6.9.2. Natural burials shall be accommodated at Council cemeteries. Natural burials are interments carried out without the use of chemical preservatives, embalming, or non-biodegradable materials. Interment must occur in either a simple shroud or a biodegradable casket to support minimal environmental impact and to align with ecological and community expectations.

No grave shall be left open after interment. Specifically –

- a. No more than three (3) coffin interments shall be buried at different depths in the same interment site.
- b. Where operationally practical, there may be a maximum of three (3) persons buried in coffins and different depths and a maximum of four (4) cremated remains in all interment sites.
- c. No bodily remains or human remains may be removed from the interment site, except in accordance with the Act and the Regulations.
- d. Each interment shall be in accordance with the Regulations.

6.9.3. All sites in Council's operational cemeteries will be identified by site numbers and marked with signage approved by the Council.

- a. Temporary grave markers will be fitted to all sites by the Funeral Directors and may only be used for a period of 12 months from the date of interment.

6.9.4. Temporary grave markers and permanent basic plaques only apply to burial sites.

6.10. Coffin Lowering Devices

6.10.1. In accordance with Council resolution OM305:2025, commencing 14 October 2025:

- a. Any funeral director company undertaking a burial at any Kangaroo Island Council managed cemetery must supply and use a suitable coffin lowering device for all burials.
- b. The coffin lowering device must be fit for purpose, well-maintained, and operated in accordance with safe work practices.
- c. Council staff will communicate this requirement to all funeral director companies operating within Kangaroo Island and ensure relevant cemetery management procedures and documentation are updated.

6.11. Burial on Private Property

- 6.11.1. Burial on private property is subject to the approval of the Council and the permission of the landowner pursuant to section 8(2)(a)(i) of the *Burial and Cremation Act 2013* (SA). and the requirements of the *Burial and Cremation Regulations 2014* (SA).
- 6.11.2. Council will receive applications and may grant permission for a burial on private land outside the boundary of a township. The request must be made on the appropriate Council application form. Evidence of formal approval from the landowner must be provided at the time of the application.

6.12. Interment of Ashes/Columbarium

- 6.12.1. No person shall inter cremated remains in Council's cemetery, gravesites or columbarium unless an interment right has first been issued for such purpose and the appropriate fee paid in full and receipts issued.
- 6.12.2. Ashes may be interred in an existing used gravesite where there is an existing, interment right fee in tenure.
- a. All interments of cremated remains will be completed by the Asset Services Department of the Kangaroo Island Council.
 - b. All columbarium plaques will be designed in accordance with Council specifications and placed in the designated walls by using the next available site in an orderly system (with the exception of purchased double interment rights).
 - c. Cremated remains interred in the columbarium will expire 99 years from the interment of the first deceased person.
 - d. Double (adjacent) interment sites can be purchased for columbarium walls upon the application for, payment and issuing of a double Interment Right.
 - e. All double interment rights will be identified by a single plaque on each.
 - f. It is noted that the columbarium site capacity will preclude the interment of the entire set of a single person's cremated remains. The residual cremated remains are the responsibility of the relatives of the deceased person.

6.13. Memorial Walls

- 6.13.1. No person shall place a plaque on a memorial wall in any of Council's cemeteries unless an interment right has first been issued for such purpose and appropriate fee paid in full and receipts issued.
- 6.13.2. All placements of memorial plaques will be completed by the Cemetery Authority.
- 6.13.3. All plaques placed on a memorial wall in any of Council's cemeteries must have an Interment Right issued for the memorial site, regardless of whether cremated remains are interred or not.

6.14. Memorial Headstones

- 6.14.1. No person shall erect, a memorial headstone or any other structure on any allotment in Council's cemeteries, unless a duly authorised contractor or registered builder has completed, and had approved, an "Application for a Memorial" form and paid the appropriate application fee as outlined below.
- 6.14.2. All placements of memorial headstones are undertaken by the company supplying the memorial headstone only.
- 6.14.3. Monuments or headstones are not to exceed a height of 900mm, maximum width 1 metre, 350mm deep with a removable concrete stand. (The height of the concrete stand is included in the height of 900m).

6.15. Memorial Plaques

- 6.15.1. All memorials' plaques shall be of a design, dimension and quality as outlined below:
 - a. Standard size plaques for gravesites set upon a cement plinth: width 381mm x height 279mm.
 - b. Standard size plaques for single columbarium: width 145mm x height 127mm
 - c. Standard size plaques for memorial walls: width 145mm x height 127mm
 - d. Standard size plaque for American River columbarium and Memorial Wall is 220mm x 220mm
- 6.15.2. Each memorial plaque shall be set up on a footing and shall be erected by Council employees, or an approved contractor, in a place or position as directed by the Council.
- 6.15.3. Council shall not be responsible for the upkeep, maintenance or repair or replacement of any memorial (e.g. plaque, monument or structure).
- 6.15.4. The Council may act to remove any structure that has become unsafe in its opinion.
- 6.15.5. Repair to memorial plaques must be undertaken and completed within three (3) months from notification by the Council. If not repaired within this time frame, removal of the plaque / monument will take place by the Council and held for a period of six (6) months. During the six (6) month period reasonable actions will be taken by the Cemetery Authority to locate any next-of-kin in relation to these matters. After the six (6) months period has expired at its sole discretion the Council determines an outcome, which may include repair, replace, removal and/or disposal of the monuments/plaques in question.

6.16. Landscaping

- 6.16.1. No ornaments, floral or other tributes are to be placed on or in the lawn areas outside the extent of the approved plinth as they may interfere with maintenance operations.
 - a. plantings on memorials take place within the cemetery grounds.

- b. Glass jars and containers that detract from the general appearance of the cemetery may be removed at council's discretion and without notice.
- c. Aged flowers and wreaths may be removed at Council's discretion without notice.

6.16.2. No unauthorised person may landscape or change the landscaping of any portion of the cemetery. Council may alter or transfer any landscaping, monument, or memorial garden at any time as it may determine.

6.17. Responsibilities

6.17.1. Council's Chief Executive Officer is responsible for ensuring compliance with this policy.

6.17.2. Council is responsible for keeping a Register which must contain the information required by section 53 of the Act and Regulation 36.

6.17.3. The Funeral Directors or person responsible for interment are responsible for the removal of the deceased and forwarding documents that validate the sighting of the name plate/s and death certificate/s of the deceased to Council.

6.17.4. Council is responsible for all records of the siting of name plates and death certificates prior to interment as sighted by the responsible Funeral Director or other person arranging for the disposal of bodily remains.

6.17.5. The Asset Services Department or Contractors are responsible for interments which include:

- a. Shoring the Grave
- b. Covering the Grave
- c. Decanting of Ashes
- d. Placement of Ashes
- e. Placement of Plaques and cement plinths
- f. Maintenance of the cemetery

6.17.6. The interment right holder or member(s) of the family have the responsibility to maintain the memorial plaque/headstone in good order during the 99-year period, and to remove the memorial plaque/headstone at the expiry of the 99-year period.

6.17.7. The interment right holder or member(s) of the family have the responsibility to maintain the ashes/urn/plaque in good order during the 99-year period, and to remove the ashes/urn/plaque at the expiry of the 99-year period.

6.17.8. It is the responsibility of the interment right holder to notify the Council of any change to their mailing address or contact details.

6.17.9. Council will not accept any responsibility for damage to monuments through acts of vandalism, ageing, and deterioration. Repair is the responsibility of the family members.

7. Availability

- 7.1. This policy is available for inspection at Council's offices at 43 Dauncey Street, Kingscote, and the Council Office at Penneshaw during ordinary business hours.
- 7.2. It is also available for inspection, download or printing, free of charge, from Council's website www.kangarooisland.sa.gov.au.
- 7.3. Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, Kangaroo Island Council, PO Box 121, Kingscote SA 5223.



SIGNED:

Daryl Buckingham, Chief Executive Officer

Date: 10 November 2025

Version History		
Date Reviewed:	Version:	Reason for Amendment:
November 2012	Version 1	Adopted 14 November 2012 (minute 13.2)
April/May 2014	Version 2	Introduction of Burial and Cremation Act 2013 and Regulations 2014
13 June 2017	Version 3	Periodic Review with amendment plus Council Resolution inclusions in section 4 and 6. Ref# C202:2017.
16 June 2017	Version 4	Format amendment [numbering correction only.]
11 July 2017	Version 5	Text amendment for clarity.
8 October 2019	Version 6	Periodic Review
10 May 2022	Version 7	Removal of reference to the KI Development Act, Change to Burial on Private Land & New Policy Template.
14 October 2025	Version 8	Policy underwent external review and revision to align it with new products, fees, and charges, plus to comply with the <i>Burial and Cremation Act 2013</i> (SA), and the <i>Burial and Cremation Regulations 2014</i> (SA). General Formatting improvements.