

Cemetery Management Policy

Group Responsible: Strategic Manager Property

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1. Purpose

The Southland District Council Cemetery Management Policy aims to ensure:

- the effective and consistent management of Council controlled cemeteries throughout the Southland District;
- that there is certainty for all in relation to monuments at Council controlled cemeteries; and
- that remembrance can occur in the best possible surroundings.

2. Definitions and abbreviations

Term	Meaning
Beam Lawn Cemetery	means a cemetery or part of a cemetery in which the surface is laid down as a grass lawn with headstones plaques and tables erected on the beam provided by Council at the head of the burial
Burial Plot	means a plot in a cemetery used for the burial of the dead
Burial Warrant	means a certificate issued by Council after application of the prescribed form and payment of any fees authorising the burial of the person named in it and prescribing the terms and conditions of burial
Cemetery	means any cemetery vested in or under the control of Council
Closed Cemetery	means a cemetery which has been closed by a closing order
Council/SDC	means the Southland District Council
Disinterment	means the removal of any body (or remains of any body) buried in any cemetery
Exclusive Right of Burial	means the allocation of a plot(s) for exclusive burial at a later date, in accordance with Section 10 of the Curial and Cremation Act 1964
Existing Plot	means a plot previously used for burial
Funeral Director	means a person whose business is, or includes, disposing of bodies
Manager	means the person appointed by Council to manage its cemeteries
Service Person	means a person who has been on operational service in Her Majesty's Forces pursuant to Section 15 (a)(i) of the Burial and Cremation Act 1964

Term	Meaning
Sexton	Means any person approved by Council to manage day to day activities of any cemetery and includes his or her assistants

3. Scope

This policy applies to all cemeteries managed or controlled by Southland District Council.

This policy affects all members of the public; including Council employees, residents, visitors and contractors, who have an interest in or are undertaking work within Council managed or controlled cemeteries in the Southland District.

4. Policy Details

The Southland District Council Cemetery Management Policy outlines the overall principles that underpin how Council manages its cemeteries.

4.1 Interments

4.1.1 Burial Warrants

All requests for interments must be made to Council through an application for a burial warrant. The Funeral Director or person having the management or control of the burial shall make application to Council for burial warrant.

No burial warrant shall be issued until the interment fee has been paid. In the case of a burial under the management or control of a Funeral Director, Council may, at its discretion, waive the requirement and charge the cost of the same to the Funeral Director concerned.

No burial will take place until the Sexton received the burial warrant. Notification of an intended burial shall be given to the Sexton at least 16 working hours prior to the time arranged for the funeral or such lesser time as agreed with the Council. Agreement will be subject to the payment of any additional costs incurred.

When a burial warrant is issued Council may, upon specific application made to it, authorise the digging and filling of the grave by relatives and associates of the deceased under the discretion of the Sexton.

4.1.2 Authorisation

If the burial involves interment in a plot already used or allocated, any request for a burial warrant must detail the right to use the plot. Where there is doubt regarding the allocation of a plot, Council may require confirmation that the burial is authorised.

4.1.3 Hours of Burial

As a general rule, burials shall be held between the hours of 9.00am to 4.00pm Monday to Friday in the months of October to April, and 9.00am to 3.30pm in the months of May to September and 9.00am to 1.00pm on Saturday, or such other days or hours as Council may determine. Burials will not take place on Public Holidays or days that they are observed.

Council will consider requests for interment which for religious, cultural or any other reasons may be outside the scope of Council's Policy, Bylaw or contract arrangement.

4.2 Exclusive Right to Burial

4.2.1 General

An Exclusive Right of Burial may be either pre allocated, or bought at the time of burial

If a person wishes to have a plot pre allocated, they gain Exclusive Right of Burial for that plot. This means that the individuals named in the allocation obtain the right to be buried in that plot; this does not mean they own the piece of land on which the plot sits.

The Exclusive Right of Burial is held by the individuals for a maximum of 20 years. After this time, if no burial has taken place in that plot, the Exclusive Right of Burial will revert back to Council with no entitlement for refund of any fees paid. Council may re-allocate the plot to the individuals in the first instance if the individuals wish to retain that plot. It is the responsibility of the holder of an Exclusive Right of Burial to ensure that the Exclusive Right of Burial is re-allocated. However, Council will endeavour to contact the holder of an Exclusive Right of Burial when the Exclusive Right of Burial is due to lapse. It is the responsibility of the holder to ensure that Council has the correct contact details. Re-allocation of an Exclusive Right of Burial shall incur a fee.

No memorials, plaques, or headstones can be erected until such time as a burial has taken place in the grave and all fees have been paid, other than with the approval of Council.

4.2.2 Transfer of an Exclusive Right of Burial to another Party

The person who is allocated the Exclusive Right of Burial of a plot may, with the consent of Council, may transfer that right to another person, or entity, including a charitable organisation for example. This will incur the same fee as issue for an Exclusive Right of Burial. The original certificate must be presented to Council with the transfer section completed and signed by the person allocated Exclusive Rights.

4.2.3 Surrender of an Exclusive Right of Burial to Council

The holder or joint holders of an Exclusive Right of Burial granted by Council may surrender the Exclusive Right to Council.

Council will only accept the surrender of an Exclusive Right if:

- a) Evidence of allocation of the Exclusive Right of Burial is supplied to Council
- b) The plot described in the Exclusive Right to be surrendered has not been used for burial of human remains, including the remains from a cremation or if it has previously been used, an exhumation has occurred and the plot is no longer required

4.2.4 Transfer to Surviving Holder where Exclusive Right is held jointly

If jointly held, upon the death of one of the joint holders of an Exclusive Right, the remaining joint holder is, or joint holders are, entitled to full allocation of the Exclusive Right.

4.2.5 Exclusive Right Bequeathed

The holder of a burial permit may bequeath the Exclusive Right as if it were the holder's personal estate.

Upon application made by a person to whom a burial permit has devolved as a result of a bequest, Council will amend the register so as to indicate that the person has become the holder of the Exclusive Right. A new certificate will be issued and the original certificate will be retained at Council and recorded as cancelled.

Evidence in writing of a bequeath is required to be provided to Council in order to make any changes.

4.3 Burial of Her Majesty's Service Personnel

Southland District Council may:

- a) Set aside areas specifically for the burial of deceased service personnel.
- b) Allow the subsequent interment of the husband, wife, civil union, partner or de-facto partner of the deceased service personnel in the same plot.
- c) On application consider the interment of the husband, wife, civil union partner or de-facto partner prior to the death of the service personnel.

4.4 Burials not managed by a Funeral Director

The following conditions apply for burials in cemeteries where a Funeral Director is not responsible for the organisation and management of the burial.

When an application is made for a burial warrant, the application shall provide:

- a) The full name of the deceased.
- b) Evidence of death certified by a Registered Medical Practitioner.
- c) The name of the cemetery in which the burial is to take place.
- d) The date and time for the burial.
- e) Any special services required for the burial.

Payment of the burial fee is require at the time of the application for the burial warrant.

An adult person shall be nominated to oversee the burial. That person shall be responsible for liaison with Council staff and the Sexton at the cemetery and for directing the burial process.

By arrangement with the Sexton, digging and filling of graves by relatives and associates of the deceased may be permitted. Activities associated with this activity will be restricted to the immediate environs of the grave site.

4.5 Disinterment

A disinterment requires a licence from the Ministry of Health. The Ministry of Health is reluctant to issue a licence to disinter a body between one month and one year after interment because of the decomposition process.

Applications for a disinterment licence must be made through Southern District Health Board and provided to Council when requesting a disinterment. Where an application for a disinterment of any deceased is received by Council, the applicant shall be liable for all costs associated with the disinterment.

Disinterring ashes does not need a disinterment licence but does need to be requested and managed through Council.

Human remains interred for more than 100 years are also subject to the jurisdiction of Heritage New Zealand.

No family members are to be present at the disinterment unless specifically authorised by Council.

4.6 Cemetery Standards

Council aims for all cemeteries within the District to be of a high quality and reflect the community's standards. Council also has duties under statute with regard to public health and these are recognised within the standards.

Council will manage cemeteries in line with the requirements of the Bylaw. To help achieve this Council will:

- a) Develop and maintain an asset management plan for its cemetery activity
- b) Maintain its obligation for safe and reasonable access to burial sites.
- c) Maintain the surrounds to be attractive and representative of its nature.
- d) Ensure allocated plots are maintained to acceptable standards

4.7 Cemetery Maintenance

Council shall maintain lawn areas, trees and vegetation, roadways and paths adjacent to and within the monumental sections. All shrubs, plants, etc in the cemetery and gardens and planted and cared for by Council. Council may remove any trees, shrubs, or other vegetation from the cemetery.

The public are not permitted to plant flowers, shrubs, or trees in any area within the cemetery boundary without Council's written consent. Council may remove any trees, shrubs or other vegetation that have been planted on a burial site or within the Cemetery without Council's written consent.

Council is not responsible for the erection, upkeep, maintenance, repair, restoration or cleaning of any monument or structure at a burial site. Council will endeavour to contact any known family member if damage is caused to a grave monument.

Council may act to remove any structure in a cemetery that has become dilapidated, unsightly, is crumbling, or deemed to be unsafe in a risk assessment carried out by Council. Council's actions will be limited to making unsafe structures safe to ensure public and employee safety.

Where subsidence is evident, Council may fill and compact the ground.

Council is responsible for:	Individuals are responsible for:
<ul style="list-style-type: none">• maintaining adequate access to gravesites.• maintaining any communal spaces (such as lawns).• constructing and maintaining structures used by more than one burial plot (such as concrete beams or niche walls).	<ul style="list-style-type: none">• payment of fees for services and for the use of structures used by more than one burial plot (such as concrete beams or niche walls).• maintaining any private structures erected within the burial plot (vaults, headstones, or fences).

Council will ensure that appropriate maintenance arrangements are in place to allow public access to all grave sites in closed cemeteries under the control of Council.

4.8 Funding, Fees and Charges

Cemetery fees are detailed in Council's Schedule of Fees and Charges.

Council will review the interment fee on an annual basis using the following formula:

- a) Adult interment fee determined by contractor, cost of burial plus staff time.
- b) Interment one year old and up to five years old – 50% of adult interment fee.
- c) Interment stillborn and up to one year old – 25% of adult rate.
- d) Cremated ashes within an ashes beam – one hour staff time,
- e) Cremated ashes into existing plot – no charge

- f) Allocation of Exclusive Right of Burial – two hours of staff time.
- g) Cremated ashes into new standard plot – including allocation of Exclusive Right of Burial – two hours of staff time

Specific site preparation by the Sexton not covered by Council’s Schedule of Fees and Charges shall be at the cost of the applicant.

4.9 Burial Charges: Poor Persons

Where application is made to Council for the burial fee free of charge of any deceased poor person, the applicant will also furnish to Council an order signed by a Justice of the Peace in accordance with the Burial and Cremation Act 1964.

Burial will take place in a plot as determined by Council and no fence or headstone will be erected unless all fees have been paid and the plot allocated.

Any person may, within two years from the date of such burial or such extended time as Council shall approve, pay for allocation of the plot by paying all outstanding charges at current contact rates.

4.10 Non-Council Controlled Cemeteries

To meet Council’s statutory obligations to provide cemeteries within the District, Council will, if approached, by the administrators of non-Council controlled cemeteries, consider accepting the particular cemetery as a Council controlled one.

Any cemetery administration accepted by Council will only be on the basis that Council becomes the sole administrator.

4.11 Cemetery Records

In accordance with the Burial and Cremation Act 1964, Council maintains records of burials within cemeteries. All records are available to the public.

Burials are registered to meet the requirements of the Births, Deaths and Marriages Act 1955. A record of reservations or pre-death requirements is maintained for those with Exclusive Rights of Burial. Each burial is recorded from the date of issuing the Burial Warrant and the register is reviewed regularly for accuracy.

4.12 Public Use of Cemeteries

Public use of the cemetery is covered by the Southland District Council Cemetery Bylaw 2016. Activities detrimental to the value or detracting from the passive and contemplative nature of the cemetery will not be permitted.

Southland District Council accepts no responsibility for the effects of vandalism and intentional (wilful) damage to assets under Council ownership.

5. Roles and Responsibilities

Party/Parties	Roles and Responsibilities
Strategic Property	Asset owner

Party/Parties	Roles and Responsibilities
Community Engineers	Manage daily activities including all contracts
Customer Support	Initial point of contact for enquiries and control burial warrant process
Records Management	Manage records

6. Associated Documents

The following documentation is to be read in conjunction with this policy:

- Southland District Council Cemetery Bylaw 2016;
- New Zealand Standard 4242: 1995 Headstone and cemetery monuments;
- Burial and Cremation act 1964
- Burial and Cremation (Removal of Monuments and Tables) Regulations 1967.