

SOUTH AUSTRALIA

WEST TERRACE CEMETERY REGULATIONS 1995

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REGULATIONS UNDER THE WEST TERRACE CEMETERY ACT 1976

West Terrace Cemetery Regulations 1995

being

No. 112 of 1995: *Gaz.* 25 May 1995, p. 2499¹

as varied by

No. 171 of 1996: *Gaz.* 11 July 1996, p. 115²

¹ Came into operation 1 September 1995: reg. 2.

² Came into operation 11 July 1996: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

Citation

1. These regulations may be cited as the *West Terrace Cemetery Regulations 1995*.

Commencement

2. These regulations will come into operation on 1 September 1995.

Revocation and transitional provision

3. (1) All regulations previously made under the *West Terrace Cemetery Act 1976* are revoked.

(2) A lease in force under the revoked regulations immediately before the commencement of these regulations—

- (a) remains in force as an interment right under these regulations; and
- (b) will expire on 31 December 2032 (if then still in force).

Interpretation

4. In these regulations, unless the contrary intention appears—

"the Act" means the *West Terrace Cemetery Act 1976*.

Application of Local Government (Cemetery) Regulations

5. The *Local Government (Cemetery) Regulations 1995* apply to and in relation to the Cemetery.

Term of interment rights

6. (1) Subject to subregulation (2), the term of an interment right granted in respect of the Cemetery will be 25 years.

(2) The Minister may grant an interment right in perpetuity if satisfied that there are special circumstances to justify doing so.

Memorial work permit

7. (1) A person must not, without a permit ("a **memorial work permit**") granted by the Minister—

- (a) erect a memorial on an interment site in the Cemetery in relation to which an interment right is in force; or
- (b) replace, repair, alter or carry out other work in relation to a memorial in the Cemetery; or
- (c) cause an act referred to in paragraph (a) or (b).

(2) A person must not erect, or cause the erection of, a memorial on an interment site in the Cemetery in relation to which no interment right is in force.

Site number to be engraved on memorials

8. A person must not bring a memorial, or cause a memorial to be brought, into the Cemetery unless the number allocated to the site at which the memorial is to be erected is engraved, printed or stamped on the memorial, or on a plate attached to the memorial, in letters of at least 30 mm in height, in a manner approved by the Minister.

Materials for masonry work to be pre-mixed

9. A person must not, in the Cemetery, mix any materials used for masonry work other than materials used in the preparation of concrete or mortar.

Memorials to have proper foundations

10. A person who erects a memorial in the Cemetery must ensure that the memorial is placed on foundations that are proper, substantial and, in the opinion of the Minister, will not endanger any nearby memorial or other structure.

Masons, etc. to comply with directions of Minister

11. (1) A person must, in carrying out work in the Cemetery in pursuance of a memorial work permit, comply with any lawful directions of the Minister in relation to the work.

(2) If a person fails or refuses to carry out work in accordance with a direction under subregulation (1), the Minister may, by notice in writing to the person, require the person to take specified action within a reasonable period specified in the notice.

(3) A person must not fail or refuse to comply with a notice under subregulation (2).

Maintenance of memorials

12. (1) The holder of an interment right in force in respect of a site in the Cemetery must ensure that any memorial erected on the site is kept in good repair and condition.

(2) The Minister may cause such work to be carried out as the Minister considers necessary or desirable to keep in good repair and condition a memorial on a site in the Cemetery in relation to which no interment right is in force.

Bringing of animals into Cemetery

13. A person must not, without the approval of the Minister, bring any animal into the Cemetery, other than a dog on a leash.

Business activities in Cemetery

14. (1) A person must not, without a permit granted by the Minister, solicit, promote or conduct business in the Cemetery.

(2) A permit under this regulation is subject to such conditions (if any) as the Minister thinks fit and are specified in the permit.

(3) The holder of a permit under this regulation must not contravene, or fail to comply with, a condition of the permit.

(4) If a condition of a permit under this regulation is contravened or not complied with, the Minister may, by notice in writing served on the holder of the permit, revoke the permit.

4.

Fees

15. (1) The fees prescribed in the schedule are the fees payable for the purposes set out in the schedule.

(2) The fees must be paid to the Minister.

(3) The Minister may waive or reduce a fee if satisfied that it is appropriate to do so in a particular case.

General offence

16. A person who contravenes or fails to comply with these regulations is guilty of an offence.

Penalty: \$200.

SCHEDULE*Fees*

\$

Interment right fees

1. On the issue or renewal of an interment right for a period of 25 years—
 - (a) per metre frontage of an allotment (non cremated remains) 700.00
 - (b) per allotment (cremated remains) 450.00
2. On the issue of an interment right in perpetuity (per metre frontage of an allotment) 2 800.00
3. On the transfer or re-issue of an interment right 50.00

Interment fees

4. For interment in the earth (non cremated remains)—
 - (a) to 1.6 metres depth 500.00
 - (b) for any additional depth 100.00
 - (c) for lifting and re-interring remains (per deceased) 100.00
5. For interment in a vault 500.00
6. For interment in the earth (cremated remains) 150.00
7. Additional fee for interment other than between 8.00 am and 4.00 pm on a working day 200.00
8. Additional fee for interment if notice of the interment is not given to the cemetery authority at least 6 working hours before the time fixed for the interment 125.00
(For the purposes of clauses 7 and 8, the time fixed for an interment in the Cemetery will be taken to be the time of arrival of the funeral cortege at the Cemetery.)

Fee for scattering of cremated remains

9. For scattering of cremated remains 80.00

Exhumation fees

10. For the exhumation of remains—
 - (a) for the first three hours or part of the first three hours 1 000.00
 - (b) for each additional hour or part of each additional hour 60.00

Vault fees

11. For a permit to construct a vault 300.00
12. For excavating to accommodate a vault (per each 0.3 metres depth or part of each 0.3 metres) 50.00

Memorial work permit fees

13. For a permit to construct a new memorial or replace part or the whole of an existing memorial—
 - (a) full above ground memorial covering more than half of the interment site 300.00
 - (b) headstone, tablet or footstone only 100.00
14. For a permit to repair, clean or alter inscriptions of, an existing memorial 75.00

Other fees relating to interment sites

15. For sounding an interment site for depth 50.00
16. For pumping water from an interment site (per hour or part of an hour) 100.00
17. For breaking concrete and repairing or replacing a concrete cover 150.00
18. For removing and replacing a covering slab 150.00
19. For filling an interment site with sand 150.00

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Other fees

21. For a search of the Cemetery records for the purposes of research (per each 15 minutes or part of each 15 minutes) 7.50

6.

22. For a guided tour of the Cemetery:	
(a) between the hours of 8.00 a.m. and 5.00 p.m. Monday to Friday (per person)	2.50
(b) at other times (per person)	5.00
23. For hire of the Smythe Chapel (per two hours or part of two hours)	60.00
24. For a permit under reg. 14 to solicit, promote or conduct business in the Cemetery	1 000
25. For any service provided within the Cemetery that is not specifically referred to in this schedule (per person engaged in providing the service—per each 15 minutes or part of each 15 minutes)	15.00

7.

APPENDIX

LEGISLATIVE HISTORY

Regulation 13:	varied by 171, 1996, reg. 3
Schedule	
Clause 2:	varied by 171, 1996, reg. 4(a)
Clause 20:	revoked by 171, 1996, reg. 4(b)
Clauses 22 - 25:	inserted by 171, 1996, reg. 4(c)