

Fact Sheet

Burial of human remains on private property

The burial of human remains on private property is strictly regulated and permitted only under certain circumstances. This fact sheet has been developed to ensure human remains are disposed of legally and safely.

Can I arrange for a burial on private property?

The *Burial and Cremation Act 2013* (the Act) requires human remains to be buried within a lawfully established cemetery or approved natural burial ground.

The burial is subject to the requirements of the *Burial and Cremation Regulations 2014* (the Regulations).

Burial on private property may be permitted only if the property is located in a 'prescribed area' which is an area outside a township or Metropolitan Adelaide or an area defined by the Regulations.

Burial on private property is subject to the permission of the owner of the land and approval of the local council for the area in which the land is situated.

What is the first step?

Consult with the local council to determine whether the proposed burial site is located in an area outside a township or Metropolitan Adelaide.

If the proposed burial site falls within a 'prescribed area', you will need to seek approval to undertake the burial.

All conditions stipulated by the local council must be adhered to (environmental health and or planning sections). The local council may also pursue (or ask you to seek) special advice from other agencies.

How do you select a suitable burial site?

The Regulations require that bodily remains are interred:

- > at a depth of at least one metre from the surface of the ground.

- > at a distance of at least 20 metres from any building, structure or water well on the land.



To protect nearby water sources, human remains must only be buried in areas where flooding occurs on average no more than once every one hundred years.

The burial must not take place within two metres of groundwater or within one hundred metres of surface water, whether permanent or intermittent.

The Environment Protection Authority and/or the Department for Environment and Water should be consulted for advice.

How do I manage and document the burial process?

Human remains must be transported and buried in accordance with the Act and Regulations.

It is advised that you engage the services of a funeral director to manage the burial process on your behalf. They will assist in ensuring compliance with the relevant legislative requirements and preparing and providing the required documentation to Births, Deaths and Marriages.

The address of the property, the certificate of title reference for the property and the GPS coordinates of the burial site (exact location of the grave) must be submitted to the Registrar, Births, Deaths and Marriages



(as specified in the Births, Deaths and Marriages Registration Regulations 2011). The council may also request this information for their records.

What if the property is subsequently sold?

The site of burial does not have the status of a cemetery and therefore has no preservation or visitation rights. If the human remains are buried on the family property and that property is subsequently sold, the family of the deceased has no right of visitation (unless given by the new owner) and no ownership of the burial plot.

Subsequent owners of the land are not obliged to preserve the plot and may choose to build over the plot or make any other alterations to the land.

Subsequent owners may, with approval from the Attorney-General, exhume the body or request that this is done as a condition of sale.

Does this advice also apply to the scattering of cremated remains?

The scattering of cremated remains are not subject to the same legal requirements as the burial of human remains. Families who wish to scatter cremated remains are permitted to do so in any council area, providing that approval is sought from the local council or property owner.

Further information

- > A local council environmental health officer.
- > Health Protection Operations, SA Health on 8226 7100 (for unincorporated areas).
- > Consumer & Business Services - Births, Deaths & Marriages on 131 882.
- > The Attorney-General's Department on (08) 8207 1771 (for the exhumation of human remains).
- > The South Australian Environment Protection Authority on 8204 2004 (for water quality enquiries).
- > The Department for Environment and Water on 8204 1910 (for surface and groundwater enquiries).

For more information

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