

Public Health (Human Remains) Fact Sheet



Burial of human remains on private property

The burial of human remains on private property is regulated and permitted only under certain circumstances. This fact sheet has been developed to inform the legal, safe and dignified burial of human remains on private property.

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.

Burial on private property may be permitted only if the property is located outside of Metropolitan Adelaide or a township. Burial on private property is subject to the approval of the local council (or authority), and the permission of the land owner. The burial is subject to the requirements of the Burial and Cremation Regulations 2014 (the Regulations).

What is the first step?

The local council (or authority) should be consulted to determine whether the proposed burial site is located outside of Metropolitan Adelaide or a township. If the land is within a council area, approval in writing to undertake the burial should be requested and any conditions imposed by council staff (Planning or Environmental Health Officers) adhered to. The council may also seek (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 1 metre from the surface of the ground; and
- > 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 should only be buried in areas where flooding occurs on average no more than once every one hundred years. The burial should 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 of Environment, Water and Natural Resources 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. This includes ensuring;

- > human remains are buried with a nameplate affixed to the coffin or placed on top of the remains.



- > Human remains are not transported unless the remains are secured or restrained against movement within the vehicle; and the remains are kept in a compartment that—
- > is physically separate from a part of the vehicle designed for the carriage of the driver and passengers; and
- > is capable of being easily cleaned and disinfected; or
- > are contained in a coffin, shroud or other container or wrapping from which no bodily discharges, contaminants or infectious substances may escape.

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?

It is important to consider the future ownership and land use of the property concerned. If the property is subject to a change of ownership or land use, the new land owners will also own and control the burial site. This means the family of the deceased will not have visitation rights, unless permission is given by the new owners.

The burial site is not classed as a cemetery and therefore has no preservation rights. Subsequent owners of the land are not required to preserve the burial site and may choose to build over the burial site or make any other alterations to the land.

Subsequent owners may, if approval is provided by the Attorney-General, exhume the remains 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.

Is there anything else to consider?

You may wish to engage the services of a Funeral Director to manage the burial process on your behalf. A Funeral Director may assist in ensuring compliance with the relevant legislative requirements and preparing and providing the required documentation to Births, Deaths and Marriages.

Further information

- > your Local Council Environmental Health Officer
- > Health Protection Operations, SA Health on 8226 7100 (for unincorporated areas)
- > Births, Deaths & Marriages on 131 882
- > The Attorney-General's Department on (08) 8207 1555 (for the exhumation of human remains)
- > The Environment Protection Authority on 8204 2004 (for water quality enquiries)
- > The Department of Environment, Water and Natural Resources on 8204 1910 (for surface and groundwater enquiries)

For more information

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