

Operating Policy - Amended Version 3 (Comprehensive Revision)

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OPERATING POLICY - VERSION 3

Commencement Date: 20 December 2025

Next Revision Date: 20 December 2028

Prepared by: Jafaria Islamic Society Ltd Board of Trustees and Board of Directors

Date Prepared: 09 December 2025

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The Jafaria Islamic Society Ltd acknowledges the traditional owners and custodians of the land on which Zainab Cemetery is located. We pay our deepest respect to the spiritual connection, cultural heritage, and continuing relationship these peoples maintain with Country. We acknowledge that their cultural and heritage beliefs remain as important today as they have been throughout history. We pay our respects to Elders past, present, and emerging, and we acknowledge the cultural authority of Aboriginal and Torres Strait Islander peoples visiting from other areas of South Australia and Australia.

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1. PURPOSE AND OBJECTIVES

1.1 Overarching Purpose

The objective of this Operating Policy is to establish comprehensive requirements, procedures, and governance frameworks for the effective management, operation, and administration of Zainab Cemetery. This policy reflects the Jafaria Islamic Society Ltd's commitment to serving the Twelver Shia Muslim community whilst maintaining compliance with applicable South Australian legislation and Islamic jurisprudence.

1.2 Legislative Compliance

The Jafaria Islamic Society Ltd (hereinafter referred to as "the Authority") acknowledges its obligations under the following legislation:

- South Australia Burial and Cremation Act 2013 (SA) ("the Act")
- South Australia Burial and Cremation Regulations 2014 (SA) ("the Regulations")
- Any other legislation applicable to cemetery operations within South Australia

This policy augments and does not replace the Authority's statutory obligations under the Act and Regulations.

1.3 Islamic Jurisprudence and Waqf Principles

Zainab Cemetery operates as an Islamic Waqf (charitable endowment) established by the Jafaria Islamic Society Ltd for the purpose of providing burial services to the Twelver Shia Muslim community. This policy incorporates principles derived from Twelver Shia Islamic jurisprudence (Imamiyyah school), specifically regarding:

- The perpetual and inalienable nature of graves held as Waqf
- The sanctity and dignity of burial sites
- The rights of deceased persons and their families
- The authority of the cemetery to manage graves in perpetuity as trustees (mutawalli) of the Waqf

1.4 Applicability

This policy applies to:

- (a) All Interment Right Holders and their successors;
- (b) All persons attending the cemetery for burial services, visitation, or maintenance;
- (c) Funeral directors, monumental masons, and contractors working at the cemetery;
- (d) All staff and volunteers of the Authority;
- (e) Any person or organization dealing with the Authority regarding cemetery matters.

1.5 Policy Review and Amendment

This policy shall be reviewed at minimum every three (3) years or upon significant changes to legislation, Islamic jurisprudence guidance, or community needs. The Board of Directors retains the authority to amend this policy in accordance with Section 24 of this policy.

2. DEFINITIONS AND KEY TERMS

2.1 "The Act"

The Burial and Cremation Act 2013 (SA).

2.2 "The Authority"

Jafaria Islamic Society Ltd, ABN 47 140 080 539, ACN 140 080 539, a registered incorporated association under South Australian law.

2.3 "Bodily Remains" or "Human Remains"

The whole or any part of a human body in whatever physical state, including cremated remains.

2.4 "Burial"

The interment of bodily remains in the earth, vault, mausoleum, or other structure designed for burial.

2.5 "Cemetery"

Zainab Cemetery, located at 256 Bridge Road, Pooraka SA 5095, established and operated by the Authority.

2.6 "Interment"

The placement of human remains (whether bodily or cremated) in a grave, mausoleum, vault, columbarium, or other structure designed for this purpose, including burial in the earth.

2.7 "Interment Right"

A right issued by the Authority in accordance with the Act, the Regulations, and this policy, which grants an exclusive right to have human remains interred at a designated site for a specified period, subject to renewal conditions and perpetual Waqf protections.

2.8 "Waqf" or "Islamic Endowment"

An irrevocable Islamic charitable endowment established in perpetuity. Graves in Zainab Cemetery are held as Waqf and cannot be converted to other uses, sold, or transferred except through succession. The Authority acts as trustee (mutawalli) of the Waqf.

2.9 "Perpetual Waqf Status"

The permanent, eternal, and inalienable sacred status of graves held as Islamic endowments. The spiritual and sacred dimension of the grave does not expire and is protected indefinitely under Islamic law and this policy.

2.10 "Twelver Shia Muslim" or "Imamiyyah"

A Muslim who follows the Twelver (Imamiyyah) school of Islamic jurisprudence and recognizes the twelve Imams. This school represents the predominant branch of Shia Islam practiced in the Jafaria community.

2.11 "Religious Advisory Committee" or "RAC"

A committee of qualified Shia scholars or experienced community leaders appointed by the Board to provide non-binding guidance on matters of Islamic jurisprudence, religious eligibility, and cemetery practices affecting operations.

2.12 "Board" or "Board of Directors"

The Board of Directors of the Jafaria Islamic Society Ltd, elected by financial members and authorized to make governance decisions regarding cemetery operations.

2.13 "Mutawalli" or "Cemetery Authority"

The trustee or administrator of the Waqf, represented by the Board and delegated operational authority.

2.14 "Memorial"

A gravestone, plaque, cenotaph, monument, or other physical structure erected to memorialize a deceased person, including fixtures such as flower holders, photographs, emblems, and vigil lights.

2.15 "Double Grave" or "Stacked Grave"

A grave in which two bodies may be interred at different depths in separate coffins with an earth barrier between them, subject to strict conditions outlined in Section 10 of this policy.

2.16 "Family Grave"

A grave designated for multiple burials (double or stacked) of closely related persons only, approved by the Board.

2.17 "Section 30 Statement"

The mandatory statement required under Section 30 of the Act, provided to Interment Right purchasers before issuance of the Interment Right, explaining rights and responsibilities.

3. INTERPRETATION

3.1 Headings

Section headings and paragraph numbers are inserted for convenience and shall not be used for interpretive purposes unless context requires otherwise.

3.2 Singular and Plural

Words in singular form apply equally to plural form, and vice versa.

3.3 Construction

This policy shall be read in conjunction with and is subject to:

- The South Australian Burial and Cremation Act 2013 (SA)
- The South Australian Burial and Cremation Regulations 2014 (SA)
- Applicable Islamic jurisprudence as interpreted by the Religious Advisory Committee
- Any other legislation applicable to cemetery operations

In the event of conflict between this policy and applicable legislation, the legislation shall prevail.

3.4 References to "Authority"

References to "the Authority" mean the Jafaria Islamic Society Ltd and its duly appointed representatives, officers, and staff acting within their delegated authority.

4. GENERAL PROVISIONS

4.1 Opening Hours

The Cemetery is open to vehicles and pedestrians daily as follows:

- **Monday to Sunday (Standard): 9:00 AM to 5:00 PM**
- **During Daylight Saving Time: 9:00 AM to 6:00 PM**
- **Special Hours: The Authority may extend or restrict hours for special occasions, maintenance, or emergency situations with reasonable notice to the community.**

4.2 Fees and Charges

The Authority establishes fees and charges for the grant of Interment Rights and for all other services, including but not limited to:

- Interment Right acquisition costs
- Administrative and transfer fees
- Burial service coordination fees
- Memorial approval and installation fees
- Grave maintenance and renewal fees
- Professional services fees

Fees are reviewed annually and may be adjusted by Board decision. Current fee schedules are available from the Authority upon request.

4.3 Plan and Map of Cemetery

The Authority shall maintain accurate plans and maps of Zainab Cemetery showing:

- All plot locations and section designations
- Reserved areas and future expansion plans
- Facilities and amenities locations
- Emergency access routes and safety information

Plans are available to members of the public upon request. The Authority shall maintain digital and paper records for reference.

4.4 General Conduct in the Cemetery

4.4.1 Respectful Conduct Standard

All persons in the Cemetery must conduct themselves in a manner that:

- Respects the rights, privacy, and safety of other visitors
- Honors the sacred and solemn nature of the burial ground
- Complies with this policy and applicable laws
- Shows appropriate deference to the deceased

4.4.2 Prior Approval Requirements

Prior written approval from the Authority is required before:

- (a) Offering any item for sale or service within the Cemetery;
- (b) Conducting business, trade, or professional services;
- (c) Advertising products or services;
- (d) Discharging firearms (except at authorized military funerals with prior approval);

- (e) Conducting photography or filming (except for personal family documentation);
- (f) Organizing meetings, gatherings, or events;
- (g) Erecting temporary structures or signage.

4.4.3 Dress Code

An appropriate, modest dress code applies to all persons attending the Cemetery. The Authority may request any person whose dress is deemed inappropriate or disrespectful to leave the Cemetery.

4.5 Prohibited Activities

The following activities are strictly prohibited within Cemetery grounds:

4.5.1 Damage to Property and Grounds

No person shall:

- (a) Remove, damage, deface, or interfere with any building, memorial, fixture, or structure;
- (b) Remove, damage, or interfere with any part of the grounds, including trees, shrubs, plants, flowers, or lawn;
- (c) Remove or disturb any stake, label, or identification marker;
- (d) Perform unauthorized maintenance, landscaping, or construction work;
- (e) Erect a monument, memorial, or structure without prior written Authority approval;
- (f) Place items on a monument or memorial without Authority authorization;
- (g) Build, modify, or alter any grave, fence, enclosure, or structure.

4.5.2 Commercial and Business Activities

No person shall:

- (a) Sell or purchase anything unless authorized by the Authority;
- (b) Conduct business or advertise unless authorized;
- (c) Solicit services or clients;
- (d) Distribute commercial materials or advertisements.

4.5.3 Disruption and Disturbance

No person shall:

- (a) Disturb, interrupt, or interfere with funeral services or ceremonies;
- (b) Cause nuisance, commotion, or breach of peace;
- (c) Use abusive, threatening, or disrespectful language;
- (d) Engage in loud or disruptive behavior;
- (e) Consume alcohol at premises & during funeral services;
- (f) Use illegal substances or intoxicating materials.

4.5.4 Safety and Access

No person shall:

- (a) Discharge firearms except at authorized military funerals with prior written approval;
- (b) Conduct dangerous activities or acts likely to cause injury;
- (c) Block or obstruct roadways, pathways, or emergency access routes;
- (d) Trespass on closed or restricted areas.

4.6 Control of Animals

No person shall ride, drive, or exercise animals (including dogs, horses, or other animals) within the Cemetery grounds without prior written approval from the Authority. Service animals assisting persons with disabilities may be permitted at the Authority's discretion.

5. TRAFFIC MANAGEMENT AND SAFETY

5.1 Speed Limits

A mandatory speed limit of **8 kilometers per hour (km/hr)** applies throughout the Cemetery. This limit is clearly marked on signage at entry points and within the Cemetery. The speed limit is enforced to ensure visitor safety and to protect the solemn environment.

5.2 Dangerous and Careless Driving

No person shall:

- (a) Drive a motor vehicle within the Cemetery in a dangerous, reckless, or careless manner;
- (b) Drive without reasonable consideration for other visitors or Cemetery operations;
- (c) Exceed posted speed limits;
- (d) Engage in racing, stunting, or other dangerous vehicle conduct.

5.3 Compliance with Authority Directions

All persons in charge of a motor vehicle within the Cemetery must:

- (a) Comply with all lawful directions from the Authority regarding driving and parking;
- (b) Observe all posted traffic signs and markings;
- (c) Follow general road rules applicable in South Australia;
- (d) Remain on designated roadways unless otherwise authorized by the Authority.

5.4 Parking

Motor vehicles may be parked within the Cemetery in designated areas with due consideration for other visitors and in accordance with:

- General South Australian road rules
- Any posted parking restrictions or signs
- Directions from the Authority
- Accessibility and emergency access requirements

6. PUBLIC RIGHT OF WAY

6.1 Cemetery Not a Public Right of Way

The Cemetery is not designated as a public right of way. Access is granted at the discretion of the Authority to persons conducting legitimate funeral, burial, visitation, or maintenance activities. The Authority may restrict access for maintenance, safety, or operational reasons with reasonable notice.

7. AUTHORITY POWERS AND SUPERVISION

7.1 Authority Powers

The Authority may exercise the following powers to maintain the Cemetery's dignity, safety, and compliance:

7.1.1 Removal of Items

- (a) Remove unattached ornaments, empty flower containers, broken masonry, decayed or broken wreaths, and dead flowers from interment sites;
- (b) Remove any monument, memorial, image, item, or fixture placed at an interment site deemed to be offensive, including items deemed racist, blasphemous, defamatory, or depicting inappropriate gestures;
- (c) Remove items presenting a public safety hazard or risk.

7.1.2 Maintenance of Grounds

- (a) Prune, cut down, or remove any plant on an interment site deemed unsightly, overgrown, dangerous, or unhealthy;
- (b) Replace any tree, shrub, plant, flower, or lawn on an interment site deemed unsightly, unsuitable, unhealthy, or requiring maintenance;
- (c) Maintain pathways, roads, and common areas;
- (d) Perform emergency maintenance or repairs.

7.1.3 Cost Recovery

The Authority may recover costs associated with removal, maintenance, or repairs as a debt from the person or entity responsible for the unauthorized item or activity.

7.2 Authority Supervision and Enforcement

7.2.1 Supervision Authority

All visitors, contractors, funeral directors, and other persons in the Cemetery are subject to the direction and supervision of the Authority. The Authority's representatives may:

- (a) Monitor Cemetery operations and visitor conduct;
- (b) Request identification from persons in the Cemetery;
- (c) Require persons engaging in prohibited activities to cease immediately;
- (d) Require persons in breach of policy to leave the Cemetery.

7.2.2 Removal from Cemetery

If the Authority has reason to suspect that a person has committed, is committing, or is about to commit an offense or breach of this policy, the Authority may require that person to leave the Cemetery immediately.

7.3 Incident Reporting and Documentation

The Authority shall maintain records of significant incidents, breaches, or concerns within the Cemetery and may report matters to appropriate authorities when legal obligations require.

8. LANDSCAPING AND TRIBUTES

8.1 Landscaping Authority

No person except those authorized by the Authority may landscape, alter, modify, or change the landscaping of any portion of the Cemetery. All landscaping work requires prior written approval.

8.2 Ownership of Plants and Trees

All plants, trees, shrubs, flowers, and landscaping elements within the Cemetery remain the exclusive property of the Authority. Interment Right Holders have no ownership interest in landscaping.

8.3 Maintenance and Care

The Authority may:

- (a) Plant and maintain lawn on grave sites at its discretion;
- (b) Alter, remove, or relocate landscaping or memorial garden beds;
- (c) Perform necessary pruning, maintenance, or replacement of plants;
- (d) Implement landscaping improvements or environmental enhancements.

8.4 Construction Prohibition

No person shall construct, build, or erect anything on Cemetery grounds (including graves, memorials, fences, enclosures, or structures) except with prior written Authority approval and with authorized contractors.

8.5 Liability Disclaimer

The Authority is not responsible for any damage, loss, or harm caused by unauthorized activity, natural causes, weather, or unforeseen circumstances within the Cemetery.

8.6 Flowers and Tributes Policy

8.6.1 Permitted Tributes

Flowers, tributes, ornaments, and photographs may be placed at interment sites only in:

- (a) Unbreakable or durable containers;
- (b) Formats approved by the Authority;
- (c) Locations designated by the Authority.

8.6.2 Removal of Unsuitable Items

The Authority may remove and dispose of any tribute, flower arrangement, ornament, or item that is:

- (a) Deemed unsightly, offensive, or inappropriate;
- (b) Breakable, damaged, or deteriorating;
- (c) Presenting a public safety risk;
- (d) Left unattended for extended periods;

- (e) Not in compliance with Authority standards.

8.7 Environmental Sustainability

8.7.1 Balloon Prohibition

In keeping with the Authority's commitment to environmental sustainability and ecological responsibility, filled balloons (whether helium or air-filled) are not permitted within the Cemetery grounds.

8.7.2 Sustainable Practices

The Authority encourages visitors to:

- (a) Use eco-friendly and biodegradable materials;
- (b) Avoid single-use plastic containers and materials;
- (c) Select potted plants or perennial flowers rather than cut flowers when possible;
- (d) Participate in Cemetery beautification and stewardship.

9. INTERMENT RIGHTS: GRANT AND CONDITIONS

9.1 Authority to Grant Interment Rights

The Authority is authorized to grant Interment Rights for designated sites within the Cemetery, subject to:

- (a) Compliance with the Act and Regulations;
- (b) Satisfaction of all criteria specified in this policy;
- (c) Payment of appropriate fees;
- (d) Confirmation of religious eligibility (Section 19);
- (e) Execution of necessary documentation.

9.2 Statutory Compliance

The Authority shall issue and manage Interment Rights in strict accordance with:

- South Australian Burial and Cremation Act 2013 (SA)
- South Australian Burial and Cremation Regulations 2014 (SA)
- Any amendments or successor legislation

9.3 Discretionary Limitations

The Authority may, at its sole discretion:

- (a) Limit the number of Interment Rights granted to any individual person;
- (b) Decline to grant an Interment Right for any reason not prohibited by law;
- (c) Require additional documentation or verification;
- (d) Impose special conditions on any Interment Right.

9.4 Rights Conferred by Interment Right

An Interment Right Holder shall have:

9.4.1 Exclusive Burial Right

- (a) An exclusive right to bury or inter human remains at the designated site;
- (b) The right to nominate the person or persons whose remains may be buried;
- (c) The right to exercise or enforce the Interment Right through authorized succession (Section 17).

9.4.2 Exclusive Use of Site

- (a) An exclusive use of the grave site and any foundations erected or installed by the Authority;
- (b) The right to erect a memorial on the site (subject to Authority approval);
- (c) The right to access and maintain the site in accordance with policy.

9.5 Permitted Use of Interment Right

An Interment Right may be used exclusively for:

- (a) Burial of human remains (bodily or cremated) of eligible deceased persons;

- (b) Erection of a memorial or gravestone (with Authority approval);
- (c) Visitation and maintenance of the site;
- (d) Succession and transfer of the right (with Authority approval).

An Interment Right may not be used for any other purpose.

9.6 Duration of Initial Term

The Authority requires a minimum initial term of **60 years** for all Interment Rights. The initial term is determined by the Authority Board and is currently **60 years** from the date of issuance.

9.7 Interment Right Certificate

Upon grant of an Interment Right, the Authority shall issue a formal **Interment Right Certificate** in the name of the Interment Right Holder(s), specifying:

- (a) Certificate number and date of issue;
- (b) Name(s) and address of the Interment Right Holder(s);
- (c) Cemetery location and grave site designation;
- (d) Cost of the Interment Right;
- (e) Initial term commencement and expiration dates;
- (f) Renewal rights and conditions;
- (g) Perpetual Waqf status and spiritual significance;
- (h) Religious eligibility requirements;
- (i) Rights and responsibilities of the holder;
- (j) Authorized signature of the Authority.

10. MULTIPLE BURIALS (DOUBLE/STACKED GRAVES)

10.1 Policy on Multiple Burials

The Authority recognizes that circumstances may require accommodation of multiple burials in a single grave. Double or stacked burials (two bodies at different depths) are **permitted but not standard practice** and are subject to strict conditions.

10.2 Conditions for Double/Stacked Burials

Double burials are permitted **only when ALL of the following conditions are met:**

10.2.1 Board Approval Requirement

- (a) Explicit written approval must be granted by the Board of Directors for the specific burial;
- (b) The Religious Advisory Committee must provide guidance on the request;
- (c) The approval must be documented in the Cemetery records and Interment Register.

10.2.2 Family Grave Designation

- (a) The grave must be explicitly designated as a "Family Grave";
- (b) Only closely related persons may share the grave (spouse, parent, child);
- (c) Extended family members (grandchildren, siblings, etc.) require Board approval on a case-by-case basis.

10.2.3 Physical Requirements

- (a) Each body must be interred in a separate coffin;
- (b) A minimum earth barrier of [specify depth, e.g., 0.5-1 meter] must separate the two coffins;
- (c) Each body must be positioned with full dignity facing the Qibla (direction of prayer in Islam);
- (d) The grave must be of sufficient depth to accommodate both bodies at safe, separate depths.

10.2.4 Religious Compliance

- (a) Both deceased must be Twelver Shia Muslims (or must meet religious eligibility requirements under Section 19);
- (b) Burial practices must comply with Islamic jurisprudence as interpreted by the Religious Advisory Committee;
- (c) All Islamic rites and dignity requirements must be observed.

10.2.5 Documentation Requirements

- (a) The Interment Register must clearly mark the grave as a "Double/Family Grave";
- (b) The Interment Right Certificate must specify the "Double Grave" designation;

- (c) Detailed records of both burials (names, dates, depths, positioning) must be maintained;
- (d) A plan or diagram may be prepared showing grave configuration.

10.2.6 Future Interments

- (a) Once a grave is designated as a double grave with two burials, no further burials may take place without Board approval;
- (b) The grave shall be marked and documented to prevent future disturbance.

10.3 Religious Advisory Committee Guidance

The Religious Advisory Committee shall provide guidance on:

- (a) Whether the specific double burial request aligns with Islamic jurisprudence;
- (b) Any special conditions or prayers required;
- (c) Whether the relationship between the deceased is appropriate;
- (d) Whether any alternative arrangements should be recommended.

This guidance is non-binding but shall be carefully considered by the Board.

11. GRAVE TENURE AND PERPETUAL WAQF STATUS

11.1 Perpetual Waqf Model: Theological Foundation

Zainab Cemetery operates under a **Perpetual Waqf model** grounded in Twelver Shia Islamic jurisprudence. This model establishes that:

- (a) Graves are held as Islamic charitable endowments (Waqf) in perpetuity;
- (b) The spiritual and sacred status of graves is ****permanent and eternal****;
- (c) Graves cannot be converted to other uses or sold;
- (d) The Authority acts as trustee (mutawalli) of the Waqf;
- (e) The Waqf is dedicated to the burial and commemoration of the deceased.

11.2 Initial Administrative Term (60 Years)

11.2.1 Administrative Purpose of Tenure

The 60-year initial term is strictly **administrative** and serves the following purposes:

- (a) Record-keeping and documentation of grave ownership and succession;
- (b) Fee collection for Cemetery maintenance, operations, and perpetual preservation;
- (c) Verification of Interment Right Holders and their contact information;
- (d) Planning for Cemetery expansion, maintenance, and improvements;
- (e) Ensuring ongoing communication between the Authority and Interment Right Holders.

11.2.2 Non-Expiration of Sacred Status

The 60-year administrative period **does NOT** in any way limit, expire, or diminish:

- (a) The sacred and spiritual status of the grave;
- (b) The family's connection to or rights regarding the grave;
- (c) The permanent protection of the grave under Waqf law;
- (d) The dignity and respect afforded to the deceased.

11.3 Spiritual Perpetuity vs. Administrative Renewal

11.3.1 Perpetual Spiritual Status

The grave's spiritual and sacred status is:

- **Permanent:** Lasting forever under Islamic law
- **Inalienable:** Cannot be taken away or transferred except by succession
- **Inviolable:** Protected from disturbance, desecration, or reuse
- **Eternal:** Not subject to expiration or administrative renewal

11.3.2 Administrative Renewal Process

After the initial 60-year term:

- (a) The family may apply for renewal of administrative registration;

- (b) Upon renewal, the Administrative term is extended for an additional period [to be specified by Board: e.g., 20, 30, or 60 years];
- (c) Renewal requires payment of applicable renewal fees;
- (d) Renewal is not mandatory; graves remain protected whether renewed or not.

11.4 Grave Non-Reuse Principle

11.4.1 Prohibition on Routine Reuse

Graves in Zainab Cemetery are **NEVER reused** for new burials except under extraordinary circumstances.

11.4.2 Conditions for Potential Reuse (Exceptional Cases Only)

Reuse of a grave may be considered **only if ALL of the following conditions are met**:

- (a) **Extraordinary circumstances**: The Board must determine that exceptional circumstances justify consideration of reuse;
- (b) **Minimal remains**: The remains of the original deceased must have completely decomposed, with no physical evidence remaining;
- (c) **Substantial time passage**: At least **100 years** must have elapsed since the original burial;
- (d) **Religious Advisory Committee approval**: The Religious Advisory Committee must provide positive guidance that reuse is permissible under Islamic law;
- (e) **Family consultation**: All traceable family members or successors of the original deceased must be informed and have provided consent;
- (f) **Board documentation**: The Board must formally document and approve the reuse in writing.

11.4.3 Likely Permanence

In practice, given the stringent conditions required, most graves will remain permanently undisturbed, fulfilling the Islamic principle that graves are sacred resting places in perpetuity.

11.5 Community Expansion and Future Governance

11.5.1 Perpetual Waqf Model With Board Flexibility

Whilst the Perpetual Waqf Model (Option A) is the current governing framework, the Board retains authority to:

- (a) Establish policies for Cemetery expansion and development;
- (b) Facilitate community contributions to Cemetery enhancement and sustainability;
- (c) Engage with community members regarding future capacity and planning;
- (d) Adapt governance policies in response to community input and needs.

11.5.2 Community Consultation on Expansion

The Authority shall:

- (a) Consult with the Twelver Shia Muslim community on Cemetery expansion plans;
- (b) Consider community input regarding future capacity, additional sections, and facilities;
- (c) Explore sustainable funding models that may include community contributions;
- (d) Maintain transparency regarding long-term planning and development;
- (e) Align Cemetery expansion with community needs and Islamic principles.

11.5.3 Potential Future Models (General Member Consideration)

The Board acknowledges that future General Meetings of the Jafaria Islamic Society may consider alternative models or expansions to the Cemetery, such as:

Option B: Perpetual Waqf with Limited Multi-Faith Accommodation

Should the community decide to expand Cemetery services in future General Meetings, the following framework is provided for Board consideration:

- **Primary Dedication:** The Cemetery remains primarily dedicated to Twelver Shia Muslim burials;
- **Sunni Muslim Accommodation:** Limited graves (number to be determined by Board and GM) in designated separate sections may be offered to Sunni Muslims if a General Meeting approves this expansion;
- **Dawoodi Bohra Accommodation:** Limited graves (number to be determined by Board and GM) in strictly separate sections may be offered to Dawoodi Bohra (Ismaili Shia) if a General Meeting approves this expansion;
- **Religious Advisory Committee Guidance:** Any expansion must be guided by the Religious Advisory Committee to ensure compatibility with Islamic principles;
- **Governance Process:** Any such expansion requires explicit approval by a General Meeting of financial members, not Board authority alone.

11.5.4 Current Status (December 2025)

The Cemetery currently operates under Perpetual Waqf Model Option A (Twelver Shia Only). Any expansion under Option B framework requires:

- (a) Formal proposal to the community;
- (b) General Meeting approval by specified majority;
- (c) Development of detailed policies for multi-faith sections;
- (d) Religious Advisory Committee guidance on implementation;
- (e) Board approval of operational procedures.

11.5.5 Notice of Future Changes

Should the community decide to expand the Cemetery's purpose or religious eligibility, the Authority shall:

- (a) Provide written notice to existing Interment Right Holders at least 90 days in advance;

- (b) Explain how any expansion will operate separately from existing graves;
- (c) Confirm that existing graves remain protected under perpetual Waqf status;
- (d) Provide opportunity for community feedback and questions.

12. RENEWAL OF INTERMENT RIGHTS

12.1 Responsibility for Renewal

It is the **responsibility of the Interment Right Holder**, or in the event of their death or legal incapacity, their **executor, administrator, or authorized successor**, to:

- (a) Monitor the expiration date of the Interment Right;
- (b) Apply for renewal before expiration;
- (c) Pay appropriate renewal fees;
- (d) Provide necessary documentation.

The Authority is not responsible for failure to renew if the Interment Right Holder does not submit an application.

12.2 Conditions for Renewal

The Authority shall renew an Interment Right for additional periods where:

12.2.1 Formal Application

A written application for renewal is received by the Authority, submitted in the form and manner specified by the Authority.

12.2.2 Fee Payment

The appropriate renewal fee, as determined by the Authority, is paid in full.

12.2.3 Required Documentation

Any other documentation deemed necessary by the Authority is provided, which may include:

- (a) Updated contact information and identification of the current Interment Right Holder(s);
- (b) Proof of succession if the original Interment Right Holder is deceased;
- (c) Documentation of any transfers or changes to the Interment Right;
- (d) Updated contact details of the registered Interment Right Holder or their authorized representative.

12.3 Advance Renewal Notice

12.3.1 Authority's Notification Obligation

At least **12 months before the Interment Right is due to expire**, the Authority shall take **reasonable steps** to provide written notice to the registered Interment Right Holder at the address or contact details on file.

12.3.2 Content of Notice

This notice shall inform the Interment Right Holder of:

- (a) The expiration date of the current Interment Right;
- (b) The Interment Right Holder's entitlement to renew or extend the Interment Right;

- (c) The cost of renewal and payment methods;
- (d) The renewal application process and deadline;
- (e) That if the Interment Right is not renewed and a memorial exists, the memorial may be reclaimed from the Authority;
- (f) That if the Interment Right is not renewed, the grave shall remain sealed and protected indefinitely and shall not be reused except in extraordinary circumstances as outlined in Section 11.

12.3.3 Holder's Responsibility

The Interment Right Holder is responsible for:

- (a) Maintaining current contact information with the Authority;
- (b) Notifying the Authority of any changes to address, phone, or email;
- (c) Ensuring they receive renewal notices;
- (d) Submitting renewal applications on time.

12.4 Consequences of Non-Renewal

12.4.1 Administrative Status

If an Interment Right is not renewed after expiration:

- (a) The administrative registration of the Interment Right expires;
- (b) The Interment Right Holder no longer holds formal administrative claim to the grave;
- (c) The Authority may revoke administrative communication with the holder regarding the specific grave.

12.4.2 Perpetual Spiritual Protection

However, non-renewal **does NOT** result in:

- (a) Loss of the grave's sacred status (remains in perpetuity as Waqf);
- (b) Reuse of the grave (protected indefinitely);
- (c) Disturbance of the remains;
- (d) Termination of the grave's protection under Islamic law;
- (e) Loss of the family's spiritual connection to the grave.

12.4.3 Memorial Reclamation

- (a) If a memorial or gravestone exists at a non-renewed grave, the Authority may reclaim and store the memorial for a specified period;
- (b) The Interment Right Holder (or their successors) may reclaim the memorial upon request;
- (c) If not reclaimed within the specified period, the Authority may dispose of the memorial in accordance with applicable law.

12.5 Future Renewal Periods

After renewal of an expiring Interment Right:

- (a) The renewed Interment Right shall be issued for an additional period as determined by the Authority [to be specified: e.g., 20, 30, or 60 years];
- (b) The same renewal process outlined in this Section shall apply to subsequent renewals;
- (c) There is no limit to the number of renewal periods;
- (d) The grave remains protected in perpetuity regardless of the number of renewals or non-renewals.

13. SURRENDER OF INTERMENT RIGHT

13.1 Right to Surrender

The Interment Right Holder has the right to voluntarily **surrender** an Interment Right to the Authority in accordance with the Act and Regulations.

13.2 Effect of Surrender

Upon formal surrender:

- (a) All rights granted under the Interment Right are permanently discharged and terminated;
- (b) The Interment Right is removed from the Authority's Register;
- (c) The Interment Right Holder (and their successors) no longer have administrative or legal claim to the grave.

13.3 Perpetual Waqf Status After Surrender

Importantly, surrender of the Interment Right does NOT affect:

- (a) The sacred spiritual status of the grave (remains protected as Waqf);
- (b) The physical remains (remain undisturbed and protected);
- (c) The grave's perpetual protection under Islamic law.

13.4 Memorial Rights Upon Surrender

- (a) The memorial on the site to which the Interment Right related may be reclaimed by the Interment Right Holder upon surrender;
- (b) If the memorial is not reclaimed by the holder, it shall be stored by the Authority;
- (c) After a specified period [to be determined by Board], unclaimed memorials may be disposed of in accordance with applicable law.

14. TRANSFER OF INTERMENT RIGHT

14.1 Authority to Approve Transfers

The Authority **may permit** a transfer of an Interment Right on completion of appropriate documentation and in accordance with the Act and Regulations. However, transfer is not automatic and requires formal Authority approval.

14.2 Discretionary Approval

- (a) The Authority may approve or refuse a transfer at its sole discretion;
- (b) The Authority may impose conditions on any transfer;
- (c) The Authority may require additional documentation, identification, or verification.

14.3 Transfer Procedure

To effect a transfer of an Interment Right:

- (a) The Interment Right Holder (or their legal representative) must complete the Authority's ****Transfer Application Form****;
- (b) The form must identify the current holder, the intended transferee, and the reason for transfer;
- (c) The proposed transferee must be identified with full legal name and address;
- (d) All required fees, if any, must be paid;
- (e) The Authority shall review the application and make a determination.

14.4 Transfer Registration

Where the Authority approves a transfer:

- (a) The name of the transferee shall be entered into the ****Register of Interment Rights**** as the new owner of the Interment Right;
- (b) The Authority shall issue a new or amended Interment Right Certificate in the name of the transferee;
- (c) All subsequent rights, responsibilities, and renewal obligations shall transfer to the new holder.

14.5 Timing and Effect

The transfer of an Interment Right **does not take effect** until it is formally recorded by the Authority in its Register of Interment Rights.

- (a) Until recorded, the original transferor remains the registered Interment Right Holder;
- (b) Upon recording, the transferee becomes the registered holder;
- (c) All notices and communications shall thereafter be directed to the transferee.

14.6 Eligible Transferees

Transfers are typically permitted to:

- (a) Family members (spouse, children, parents, siblings, grandchildren);
- (b) Beneficiaries named in the will or estate of the deceased holder;
- (c) Persons authorized by executor or administrator of the deceased holder's estate;
- (d) Other persons at the Authority's discretion.

14.7 Restrictions on Transfer

The Authority may refuse to approve a transfer if:

- (a) The proposed transferee is not an eligible person;
- (b) The proposed transferee has not demonstrated legitimate connection to the deceased or the Interment Right;
- (c) Fees or outstanding obligations are not satisfied;
- (d) The Authority has concerns regarding the appropriateness or legitimacy of the transfer;
- (e) The transfer would violate Islamic law or the Waqf purpose.

15. REGISTRATION OF INTERMENT RIGHTS

15.1 Authority's Register

The Authority shall keep and maintain an official **Register of Interment Rights** in accordance with the Act and Regulations. This Register is a critical legal document.

15.2 Required Information in Register

The Register shall contain the following information for each Interment Right:

15.2.1 Administrative Details

- (a) The unique identification number of the Interment Right;
- (b) The locality and site number of the interment plot;
- (c) The section, path, and grid reference of the grave location;
- (d) The date the Interment Right was granted or transferred.

15.2.2 Holder Information

- (a) The full legal name of the Interment Right Holder;
- (b) The residential address and contact details of the holder;
- (c) The date of birth of the Interment Right Holder;
- (d) For joint holders, the names and details of all holders.

15.2.3 Nominated Beneficiaries

- (a) The name of the person or persons identified as those whose remains may be interred;
- (b) The relationship of the named person to the Interment Right Holder;
- (c) Any authorized successors or alternate beneficiaries.

15.2.4 Burial Details

- (a) The name of each deceased person actually interred at the site;
- (b) The date of each interment;
- (c) The depth at which each interment took place;
- (d) Any relevant medical or legal circumstances (if applicable).

15.2.5 Memorial Information

- (a) The date of erection of any memorial or gravestone;
- (b) Any subsequent inscriptions or modifications;
- (c) A description of the memorial (size, material, design);
- (d) Any memorial approval or authorization.

15.2.6 Special Designations

- (a) Notation if the grave is designated a "Double/Family Grave";
- (b) Notation of any special conditions or restrictions;

- (c) Notation of religious eligibility or any special approvals.

15.3 Register Accessibility

- (a) The Register is a public document available for inspection by members of the community upon request;
- (b) Certain sensitive information (full addresses, contact details) may be redacted to protect privacy;
- (c) The Authority shall provide copies of Register entries upon request, subject to applicable privacy laws.

15.4 Register Accuracy and Updates

- (a) The Authority is responsible for keeping the Register accurate and up-to-date;
- (b) Interment Right Holders must notify the Authority of any changes to contact information;
- (c) The Authority shall update the Register upon transfer, renewal, surrender, or burial;
- (d) Any errors in the Register should be promptly corrected upon notification.

16. INTERMENT RIGHTS ISSUED IN MULTIPLE NAMES

16.1 Joint Holders

An Interment Right may be registered in the name of up to **two persons** as joint holders.

16.2 Delivery and Communication

Where an Interment Right is registered in the names of two or more persons:

- (a) The Interment Right Certificate shall be delivered to the person first named in the Register;
- (b) All official notices and communications shall be directed to the first-named holder;
- (c) The first-named holder is responsible for communicating with co-holders regarding renewal, transfer, or other matters.

16.3 New Interment Rights

All **new Interment Rights** issued after the commencement of this policy shall be issued to **one person only**, not to multiple joint holders.

16.4 Existing Joint Interment Rights

For Interment Rights already registered in joint names (prior to this policy):

- (a) The current registration shall continue;
- (b) Upon renewal or modification, the Authority may require conversion to a single holder or clarification of joint succession;
- (c) Any dispute between joint holders regarding exercise of the right shall be resolved in accordance with Section 17.

17. CLAIMANTS AND SUCCESSION OF INTERMENT RIGHTS

17.1 Authority's Position on Multiple Claimants

In the event of death or incapacity of an Interment Right Holder, the Authority shall not recognize any claimed interest in the Interment Right unless formally registered or documented in accordance with this Section and applicable law.

17.2 Successor Identification

Upon death or legal incapacity of the registered Interment Right Holder, the Authority shall identify the person entitled to exercise the Interment Right based on the following order of succession:

17.2.1 Standard Succession Order

The rights granted under the Interment Right may be exercised by the following persons, in order of entitlement:

1. The **Executor or Administrator** of the deceased Interment Right Holder's estate (if appointed by court or will);
2. The **Spouse** of the deceased Interment Right Holder;
3. The **Eldest living child** (over 18 years of age) of the deceased holder;
4. Any **other living child** (over 18 years of age), in order by age;
5. The **Eldest living parent** of the deceased holder;
6. The **Eldest living sibling** (over 18 years of age) of the deceased holder;
7. The **Eldest living grandchild** or great-grandchild (over 18 years of age);
8. The **Eldest living grandparent** of the deceased holder;
9. The **Eldest living aunt or uncle** (over 18 years of age);
10. The **Eldest living niece or nephew** (over 18 years of age);
11. The **Eldest living cousin** (over 18 years of age);
12. The **Eldest living blood relative**.

17.2.2 Age Requirement

Successors must be at least 18 years of age. If the entitled person is under 18, succession passes to the next eligible person until an adult is reached.

17.3 Authority Communication and Registration

When the registered Interment Right Holder dies or becomes incapacitated:

- (a) The Authority shall identify the successor in accordance with the succession order above;
- (b) The Authority shall register the successor as the new Interment Right Holder;
- (c) A new Certificate shall be issued to the successor;
- (d) Subsequent communications and notices shall be directed to the new holder.

17.4 Proof of Succession

A person claiming to be the successor may be required to provide:

- (a) A copy of the death certificate of the deceased Interment Right Holder;
- (b) Proof of relationship (birth certificate, marriage certificate, adoption papers, etc.);
- (c) Identification (driver's license, passport, etc.);
- (d) If applicable, a copy of the will or court order appointing an executor;
- (e) Any other documentation the Authority deems necessary.

17.5 Dispute Resolution

If multiple persons claim entitlement to an Interment Right (e.g., disputes between siblings, or between a spouse and children), the Authority shall:

- (a) Seek to identify the clear successor in accordance with Section 17.2;
- (b) Request documented proof of relationship and entitlement;
- (c) If a dispute cannot be resolved, refer the matter to appropriate legal authorities or courts;
- (d) Suspend exercise of the Interment Right if necessary until the dispute is resolved.

17.6 Contact Information Maintenance

All Interment Right Holders are responsible for:

- (a) Keeping their contact information current with the Authority (address, phone, email);
- (b) Notifying the Authority within 30 days of any change to contact details;
- (c) Informing the Authority of significant life changes (marriage, divorce, death of successor, relocation);
- (d) Failure to maintain current contact details may result in missed notices or communications.

18. BURIAL PROCEDURES AND AUTHORIZATION

18.1 Burial Hours

Burials in Zainab Cemetery may take place during the following hours:

18.1.1 Standard Burial Hours

- (a) **Between sunrise and sunset, Monday through Sunday**;
- (b) Special funeral services observing Islamic practices may be scheduled for specific Islamic holy days or periods;
- (c) The specific times of sunrise and sunset shall vary seasonally.

18.1.2 Extended or Alternative Hours

- (a) The Authority may permit burials at other times at its discretion;
- (b) Extended or alternative hour burials may require additional fees;
- (c) Requests must be made in advance to the Authority with clear justification.

18.2 Authorization Requirements for Burial

No burial shall take place in Zainab Cemetery unless all of the following conditions are satisfied:

18.2.1 Valid Interment Right

- (a) An active, valid Interment Right must be produced to the Authority upon request;
- (b) The Interment Right must correspond to the grave location proposed for burial;
- (c) If the Interment Right is in joint names, authorization must come from a holder or recognized successor.

18.2.2 Notice to Authority

- (a) The Authority must receive reasonable notice (typically minimum 24-48 hours) of the request for burial;
- (b) Notice is typically provided by the funeral director on behalf of the family;
- (c) Emergency burials may be accommodated with shorter notice upon Authority approval.

18.2.3 Fees Paid

- (a) All applicable fees associated with the burial must be paid in full to the Authority;
- (b) This includes grave opening, closure, and administrative fees;
- (c) Fees are separate from and in addition to funeral director fees.

18.2.4 Identity Verification

- (a) The Authority shall verify the identity of the deceased by comparison of:
 - The **Partial Certificate of Cause of Death** (or Disposal Authorization);

- The **Certificate of Identification** (issued by medical examiner or physician);
 - (b) These documents must be checked and found to correspond in all material details;
 - (c) The deceased's name, age, and identifying features must match across documents;
 - (d) If discrepancies exist, burial shall not proceed until resolved.

18.2.5 Religious Eligibility Verification

- (a) The Authority shall verify that the deceased person is eligible for burial in Zainab Cemetery;
- (b) In the case of Twelver Shia Muslim burials, basic confirmation of faith is typically required;
- (c) For persons of uncertain or other faith backgrounds, the Authority must confirm that appropriate approvals have been obtained (if necessary).

18.3 Grave Opening and Closure

18.3.1 Authority Responsibility

- (a) ****Only the Authority**** or its authorized contractors may open an interment site;
- (b) No person, including family members or funeral directors, may open a grave except under direct Authority supervision;
- (c) The Authority is responsible for proper grave opening, interment, and closure.

18.3.2 Grave Depth and Configuration

- (a) The Authority shall open the grave to the appropriate depth for single or double burial as authorized;
- (b) If a grave is designated for double burial, the Authority shall ensure proper separation and earth barriers;
- (c) The grave shall be configured to maintain the dignity and proper positioning of remains.

18.4 Exhumation and Re-Interment

18.4.1 Authority

- (a) No person or entity may exhume (remove) human remains from Zainab Cemetery except the Authority;
- (b) Exhumation shall occur only in compliance with applicable law and Islamic jurisprudence;
- (c) Exhumation requires:
 - A court order or legal authority;
 - Written approval of the Interment Right Holder;
 - Guidance from the Religious Advisory Committee;

- Proper documentation and notice to affected family members.

18.4.2 Permitted Reasons for Exhumation

- (a) Court order or legal requirement;
- (b) Family request with proper authority (executor, next of kin);
- (c) Medical or forensic necessity;
- (d) Religious reasons approved by Religious Advisory Committee;
- (e) Other extraordinary circumstances as determined by the Authority and Board.

18.4.3 Re-Interment

- (a) If remains are exhumed, they may be re-interred in the original grave or another authorized location;
- (b) Re-interment must comply with all procedures outlined in this Section;
- (c) The Authority shall update the Register to reflect exhumation and re-interment.

19. RELIGIOUS ELIGIBILITY AND FAITH REQUIREMENTS

19.1 Religious Dedication of the Cemetery

Zainab Cemetery is established as a dedicated Islamic cemetery specifically for the burial of **Twelver Shia Muslims**. This religious dedication is fundamental to the Cemetery's identity, purpose, and governance as an Islamic Waqf.

19.2 Twelver Shia Muslim Definition

"**Twelver Shia Muslim**" refers to:

- (a) A Muslim who follows the ****Twelver (Imamiyyah) school of Islamic jurisprudence****;
- (b) A Muslim who recognizes the ****twelve Imams**** as spiritual leaders;
- (c) A follower of the predominant branch of Shia Islam practiced within the Jafaria community;
- (d) A person who has not explicitly rejected or abandoned the Twelver Shia faith.

19.3 Primary Eligibility: Twelver Shia Muslims

Deceased Twelver Shia Muslims are automatically eligible for burial in Zainab Cemetery without requiring board approval, provided:

- (a) A valid Interment Right is held for the grave location;
- (b) All fees are paid;
- (c) Identity verification is completed;
- (d) Standard burial procedures are observed.

19.4 Alternative Religious Eligibility Pathway (Option A - Current Policy)

Current Status (December 2025): Zainab Cemetery operates under **Perpetual Waqf Model Option A (Shia-Only)**.

For burial of any person who is **not** a Twelver Shia Muslim:

- (a) ****Prior written approval of the Authority's Board is required**** before any Interment Right is sold or before burial proceeds;
- (b) The applicant (purchaser or family) must formally request Board consideration;
- (c) The request must clearly identify the faith background of the deceased;
- (d) The ****Religious Advisory Committee must provide guidance**** on whether the burial is compatible with Islamic principles;
- (e) The Board shall vote and decide whether to approve the burial;
- (f) Approval is granted only by explicit Board decision, never by default or administrative approval.

19.5 Alternative Religious Eligibility Pathway (Option B - Framework for Future Consideration)

The Board acknowledges that a future **General Meeting of the Jafaria Islamic Society** may consider expansion to Model Option B, which would establish:

Option B Framework (For Future GM Consideration):

(a) ****Primary Dedication****: The Cemetery remains primarily dedicated to Twelver Shia Muslim burials;

(b) ****Sunni Muslim Accommodation****:

- Limited number of graves (to be determined by Board and GM) in designated separate sections
- May be offered to Sunni Muslims if approved by General Meeting
- Sunni burials shall be managed in separate sections to respect different burial and ritual practices
- Subject to availability and Board approval on a case-by-case basis

(c) ****Dawoodi Bohra Accommodation****:

- Limited number of graves (to be determined by Board and GM) in strictly separate sections
- May be offered to Dawoodi Bohra (Ismaili Shia) if approved by General Meeting
- Dawoodi Bohra burials shall be in entirely separate sections distinct from Twelver Shia areas
- Subject to availability and Board approval on a case-by-case basis

(d) ****Religious Advisory Committee Guidance****:

- Any expansion to Option B must be guided by the Religious Advisory Committee
- The RAC must provide detailed guidance on:
 - Compatibility with Islamic principles
 - Operational procedures for separate sections
 - Appropriate burial practices for each community
 - Memorial and visitation protocols

(e) ****Governance Requirements****:

- Any change from Option A to Option B requires:
 - Formal proposal to the community
 - Approval by General Meeting (simple majority or as specified in Constitution)
 - Development of detailed policies for multi-faith sections BEFORE implementation
 - Board approval of operational procedures
 - Notice to existing Interment Right Holders

19.6 Current Policy (Option A) - Shia-Only

Until a General Meeting votes to adopt Option B, the Cemetery operates under Option A exclusively.

For any burial not clearly identifying as Twelver Shia Muslim:

- (a) Board approval is required;
- (b) Religious Advisory Committee guidance is required;
- (c) The applicant must provide documentation of the deceased's faith background;
- (d) If approval is not granted, the Interment Right purchase is cancelled and a full refund is provided;
- (e) If burial takes place without prior approval, it constitutes a breach of policy.

19.7 Responsibility of Interment Right Holders

Each Interment Right Holder confirms and represents:

- (a) Understanding that Zainab Cemetery is dedicated to Twelver Shia Muslim burials (currently under Option A);
- (b) Commitment that the cemetery will be used exclusively for Twelver Shia Muslim burials (unless and until Option B is adopted by General Meeting);
- (c) Agreement to notify the Authority immediately if burial of a non-Twelver Shia Muslim is being considered;
- (d) Acceptance that burial of ineligible deceased without prior Board approval constitutes a breach of the Interment Right conditions.

19.8 Refund Policy for Ineligible Burials

If an Interment Right was purchased for burial of a deceased person who:

- (a) Is not Twelver Shia Muslim; AND
- (b) Did not obtain prior Board approval;

Then:

- (a) The Authority may refuse burial;
- (b) A ****full refund**** of the Interment Right cost shall be provided to the purchaser;
- (c) The Interment Right shall be cancelled;
- (d) The grave shall be returned to Available inventory.

20. CHILDREN'S SECTIONS

20.1 Specialized Grave Preparation

Children's sections within Zainab Cemetery contain specialized grave sites designed and prepared specifically for the burial of children (typically persons under age 18 years).

20.2 Grave Configuration in Children's Sections

Graves in Children's Sections have the following characteristics:

- (a) ****Narrower width**** than graves in general Cemetery areas;
- (b) ****Shorter length**** than standard adult grave sites;
- (c) ****Shallower depth capacity**** due to space constraints and soil conditions;
- (d) Hand-prepared graves to accommodate the specialized dimensions.

20.3 Depth Limitation

Due to the narrower width and shorter length of graves in Children's Sections, it is not possible to prepare sites at depths lower than Level One.

- (a) ****Level One**** represents the standard and only available depth option;
- (b) No deeper burials are feasible due to physical constraints;
- (c) No exceptions to this depth limitation are available.

20.4 Prohibition of "Lift and Deepen" Procedures

"Lift and Deepen" procedures are not possible in Children's Sections.

"Lift and Deepen" refers to a procedure where:

- (a) Remains previously buried are lifted (removed) from a grave;
- (b) The grave is deepened to accommodate an additional burial beneath;
- (c) Both the original and new remains are re-interred in the same grave at different depths.

This procedure cannot be performed in Children's Sections due to:

- (a) The limited width and length of children's graves;
- (b) The specialized preparation required;
- (c) Safety and structural integrity concerns;
- (d) Practical impossibility of accessing and deepening graves of this size.

20.5 Alternative Options for Children

Families requiring burial of children should:

- (a) Contact the Authority to discuss available options;
- (b) Consider single-depth burial in Children's Sections;
- (c) Explore alternative cemetery sections if specific burial requirements exist;
- (d) Consult with funeral directors regarding practical options.

21. MEMORIALS AND MONUMENTS

21.1 Memorial Authorization Requirement

Before any memorial, gravestone, plaque, monument, or other lasting physical tribute is erected at an interment site, the **Authority must provide prior written approval**.

This requirement applies to:

- (a) New memorial construction or erection;
- (b) Significant modification or alteration of existing memorials;
- (c) Replacement or repair of memorials;
- (d) Addition of inscriptions or engravings;
- (e) Installation of fixtures, photographs, or other items.

21.2 Memorial Application Process

To obtain approval for a memorial:

21.2.1 Application Submission

- (a) The Interment Right Holder (or their authorized representative) must submit the Authority's ****Application for Memorial form****;
- (b) The application must include:

- Name of the Interment Right Holder;
- Location of the grave (plot number, section);
- Proposed memorial design (drawings, photographs, or descriptions);
- Proposed inscription or text to be engraved;
- Proposed material (stone type, marble, granite, etc.);
- Proposed dimensions and specifications;
- Name and contact of the Monumental Mason;
- Timeline for installation.

21.2.2 Authority Review

- (a) The Authority shall review the memorial application for compliance with:

- Authority specifications for memorials in each Cemetery section;
- Design standards, size limits, and material requirements;
- Appropriateness and respectfulness of proposed inscriptions;
- Safety and structural integrity;
- Aesthetic consistency with the Cemetery environment.

21.3 Authority Specifications for Memorials

21.3.1 Section Specifications

The Authority has established detailed specifications for memorials in each area of the Cemetery, defining:

- (a) Style:** Acceptable memorial styles (headstone, flat stone, plaque, monument, etc.);
- (b) Size:** Maximum dimensions (height, width, depth);
- (c) Material:** Approved materials (stone type, granite, marble, etc.);
- (d) Colour:** Approved colours and finishes;
- (e) Design Elements:** Restrictions on symbols, emblems, or images;
- (f) Inscription Requirements:** Font size, language, and content limitations;
- (g) Installation Methods:** Approved installation techniques and materials.

21.3.2 Consultation

- (a) The Interment Right Holder may contact the Authority for detailed specifications applicable to their grave location;
- (b) The Authority shall provide guidance on approved designs, materials, and suppliers;
- (c) Consultation may help families develop designs likely to gain approval.

21.4 Authorized Monumental Masons

21.4.1 Requirement for Approved Masons

Only **Authority-approved Monumental Masons** shall be authorized to construct, erect, or install memorials in Zainab Cemetery.

- (a) The Authority maintains a list of approved Monumental Masons;
- (b) Families must select a mason from the approved list;
- (c) No unauthorized persons or companies may erect memorials.

21.4.2 Purpose of Mason Approval

- (a) The Authority approves masons who have:
 - Demonstrated competence and professionalism;
 - Agreed to comply with Authority specifications;
 - Provided proof of insurance and liability coverage;
 - Committed to high standards of workmanship;
 - Established track record of quality work in other cemeteries.

21.5 Memorial Approval and Installation

21.5.1 Approval Decision

Upon review of the memorial application, the Authority shall:

- (a) ****Approve**** the memorial if it complies with all specifications, is appropriate, and is respectfully inscribed;
- (b) ****Request Modifications**** if minor adjustments would bring the design into compliance;

(c) ****Decline Approval**** if the design does not comply and cannot be easily modified, or if the inscription is deemed offensive or inappropriate.

21.5.2 Reasons for Declination

The Authority may decline approval if:

- (a) The design violates Authority specifications for the section;
- (b) The memorial is too large, too costly, or architecturally unsuitable;
- (c) The proposed material or finish is incompatible with Cemetery aesthetics;
- (d) The inscription contains offensive, inappropriate, racist, blasphemous, or defamatory content;
- (e) The inscription contains exaggerated or untrue claims;
- (f) The design includes symbols or images deemed disrespectful or incompatible with the Cemetery's Islamic character;
- (g) The memorial fails to meet safety or structural standards;
- (h) The proposed installation method is unsafe or inappropriate.

21.5.3 Memorial Installation

Upon approval:

- (a) The approved Monumental Mason shall schedule installation with the Authority;
- (b) Installation shall be conducted during Cemetery operating hours;
- (c) The Authority may require an on-site representative to oversee installation;
- (d) The mason shall be responsible for proper, safe installation meeting all specifications;
- (e) The Interment Right Holder shall be responsible for payment to the mason.

21.6 Inscription Requirements

21.6.1 Name Accuracy

- (a) The name inscribed on the memorial must accord with ****valid proof of the deceased person's identity**** (death certificate, passport, driver's license);
- (b) The proof of identity must be satisfactory to the Authority;
- (c) If the deceased used multiple names, the legal name should be primary;
- (d) Alternate or traditional names may be included if appropriate.

21.6.2 Inscription Content Guidelines

- (a) Inscriptions should include:
 - Full legal name of the deceased
 - Dates of birth and death
 - Appropriate religious text or prayer (if desired)
 - Brief epitaph or tribute (if desired)

(b) Inscriptions should avoid:

- Offensive, derogatory, or inappropriate language
- Controversial political or social statements
- False or misleading claims
- Excessive length or poorly legible text
- Foreign languages unless appropriate and approved

21.7 Removal and Alteration of Memorials

21.7.1 Authority Power to Remove

The Authority may remove, alter, or modify any memorial at its discretion if:

- (a) The memorial is deemed unsafe, dangerous, or structurally unsound;
- (b) The memorial is unsightly, damaged, or deteriorating;
- (c) The memorial breaches the Authority's operating policies or specifications;
- (d) The inscription is deemed offensive, inappropriate, racist, blasphemous, or defamatory;
- (e) The memorial impedes access, safety, or Cemetery operations;
- (f) The memorial violates Islamic principles of dignity and respect.

21.7.2 Removal Process

- (a) The Authority shall provide written notice to the Interment Right Holder of the intention to remove the memorial;
- (b) The notice shall specify the reason for removal;
- (c) The Interment Right Holder may request reconsideration or propose modifications;
- (d) If no satisfactory resolution is reached, the Authority may proceed with removal.

21.7.3 Storage and Reclamation

- (a) Upon removal, the memorial shall be stored by the Authority for a specified period;
- (b) The Interment Right Holder may reclaim the memorial upon request;
- (c) If not reclaimed within [specify period], the Authority may dispose of the memorial;
- (d) Disposal may include recycling, donation, or other methods.

21.7.4 Cost Recovery

- (a) The Interment Right Holder shall be responsible for costs associated with removal, storage, or repair of the memorial;
- (b) The Authority may recover these costs as a debt from the Interment Right Holder;

(c) This is separate from any liability the holder may have under law for improper inscription or dangerous memorial.

21.8 Memorials Register

21.8.1 Authority Registry

In accordance with the Act and Regulations, the Authority shall keep a **Memorials Register** documenting all memorials erected in Zainab Cemetery.

21.8.2 Register Contents

For each memorial, the Register shall record:

- (a) ****Size of the Memorial****: Dimensions (height, width, depth);
- (b) ****Type of Memorial****: Category (headstone, flat stone, plaque, monument);
- (c) ****Inscription****: Names and text inscribed on the memorial;
- (d) ****Epitaphs and Inscriptions****: Any prayers, dedications, or additional text;
- (e) ****Material and Finish****: Stone type, color, and protective coating (if any);
- (f) ****Location****: Section, plot number, and precise location in the Cemetery;
- (g) ****Date of Erection****: When the memorial was installed;
- (h) ****Monumental Mason****: Name of the contractor who erected the memorial;
- (i) ****Modifications****: Any subsequent inscriptions, repairs, or alterations;
- (j) ****Condition****: Current condition and any maintenance requirements.

21.8.3 Register Accessibility

- (a) The Memorials Register is a public document available for inspection;
- (b) Families may request information about memorials;
- (c) The Register helps prevent duplication and ensures accurate Cemetery records.

22. PRIVACY AND DATA PROTECTION

22.1 Privacy Legislation Compliance

The Authority shall comply with applicable privacy legislation in South Australia, including:

- (a) The Privacy Act 1988 (Cth) (if applicable);
- (b) Any South Australian privacy or data protection laws;
- (c) The spirit and intent of privacy principles, even where not explicitly mandated.

22.2 Protection of Living Persons' Details

The Authority is committed to protecting the privacy and personal information of living persons, including:

- (a) Interment Right Holders and their families;
- (b) Successors and beneficiaries;
- (c) Visitors and other members of the public.

Personal information that is protected includes:

- (a) Residential addresses and contact details;
- (b) Phone numbers and email addresses;
- (c) Date of birth and family relationships;
- (d) Medical or health information;
- (e) Financial information.

22.3 Limitations on Disclosure

The Authority shall not disclose personal information about living persons except:

- (a) ****By law****: Where required by legal process, court order, or statute;
- (b) ****For Cemetery purposes****: For legitimate Cemetery management, administration, and operations;
- (c) ****By consent****: With the written consent of the person whose information is involved;
- (d) ****To family****: To immediate family members with legitimate interest, where appropriate;
- (e) ****In emergencies****: To relevant authorities in emergency or safety situations.

22.4 Deceased Persons' Information

Information about deceased persons (names, burial locations, dates, inscriptions) is public information and is available:

- (a) In the Cemetery itself (on memorials and signs);
- (b) In the Register of Interment Rights (with some redactions);
- (c) In the Memorials Register;

- (d) To members of the public upon reasonable request.

22.5 Data Security

The Authority shall maintain reasonable security measures to protect personal information, including:

- (a) Secure storage of documents and registers;
- (b) Limited access to sensitive information (restricted to authorized personnel);
- (c) Protection against unauthorized disclosure or loss;
- (d) Regular review and updates of security practices.

23. RELIGIOUS ADVISORY COMMITTEE

23.1 Establishment

The Authority shall **formally establish a Religious Advisory Committee** (hereinafter "RAC") consisting of qualified Shia scholars or experienced community leaders.

23.2 Composition and Appointment

23.2.1 Membership

(a) The RAC shall consist of a minimum of **three (3) members** and a maximum of **five (5) members**;

(b) Members should include:

- At least one qualified Shia scholar or Islamic jurisprudence expert;
- Community leaders with extensive experience in Islamic affairs;
- Persons respected for their knowledge of Twelver Shia traditions;
- If possible, persons representing different generations or perspectives within the community.

23.2.2 Appointment Process

(a) RAC members are appointed by the **Board of Trustees**;

(b) Appointments are made for a term of **three (3) years**;

(c) Members may be reappointed for additional terms;

(d) The Board may remove a member for cause (absence, incompetence, breach of duty).

23.2.3 Selection Criteria

Members should demonstrate:

- (a) Knowledge of Islamic jurisprudence and Twelver Shia traditions;
- (b) Respect and standing within the Shia community;
- (c) Commitment to the Cemetery's mission and values;
- (d) Ability to provide objective, learned guidance;
- (e) Good character and integrity;
- (f) Willingness to serve without financial compensation (advisory role).

23.3 Scope of Authority and Responsibilities

23.3.1 Non-Binding Authority

The RAC provides **non-binding religious opinions and guidance**. The Board retains final authority on all decisions, including:

- (a) Whether to accept, modify, or reject RAC recommendations;
- (b) Implementation of policies based on RAC guidance;
- (c) Operational decisions.

23.3.2 Specific Responsibilities

The RAC shall provide guidance on:

- (a) ****Double Grave and Multiple Burial Requests****: Whether proposed multiple burials comply with Islamic jurisprudence and Shia principles;
- (b) ****Religious Eligibility Questions****: Whether non-Twelve Shia Muslim deceased persons meet religious eligibility standards for burial;
- (c) ****Interpretation of Islamic Law****: Guidance on how Islamic law principles apply to specific Cemetery situations;
- (d) ****Policies on Multi-Faith Burial Requests****: If the community considers Option B expansion, guidance on how to respectfully accommodate Sunni or Bohra burials in separate sections;
- (e) ****Grave Dignity and Respect Standards****: Advice on memorial designs, burial practices, and other matters affecting dignity of graves;
- (f) ****Burial Practices and Rituals****: Guidance on Islamic burial rites, prayer practices, visitation protocols;
- (g) ****Any Other Religious Matters****: Consultation on any other issues affecting Cemetery operations from an Islamic perspective.

23.4 Meeting Frequency and Documentation

23.4.1 Regular Meetings

- (a) The RAC shall meet at a minimum ****quarterly**** (four times per year);
- (b) Additional meetings may be scheduled as needed for urgent matters;
- (c) Meetings may be held in person or via teleconference, as convenient.

23.4.2 Meeting Records

- (a) The Authority shall document all RAC meetings;
- (b) Minutes shall record:
 - Date and attendees
 - Topics discussed
 - Questions posed to the RAC
 - Guidance or opinions provided
 - Voting (if any) or consensus reached
 - Any dissenting views
- (c) Minutes shall be maintained in the Authority's records;
- (d) Minutes may be shared with the Board or disclosed as appropriate.

23.5 Consultation Process

23.5.1 When RAC Consultation Is Required

The Board shall consult the RAC in the following circumstances:

- (a) ****All multiple burial requests**** (double graves, stacked burials);

- (b) ****Religious eligibility questions**** for non-Twelve Shia deceased;
- (c) ****Disputes or unclear matters**** involving Islamic law or burial practices;
- (d) ****Policy development**** on matters of religious significance;
- (e) ****Community concerns**** regarding Islamic compliance;
- (f) ****Option B expansion consideration**** if the community considers multi-faith accommodation;
- (g) ****Any matter**** where Board members request guidance.

23.5.2 Confidentiality

- (a) RAC members shall maintain confidentiality regarding specific burial requests or family situations;
- (b) General guidance and principles may be discussed with the Board and community;
- (c) Individual family circumstances shall not be disclosed without consent.

24. GOVERNANCE AND AMENDMENT PROCEDURES

24.1 Board Authority

The **Board of Directors** of the Jafaria Islamic Society Ltd retains ultimate authority over:

- (a) Cemetery operations and policies;
- (b) Approval of major decisions (Interment Rights, memorials, expansion);
- (c) Amendment of this policy;
- (d) Appointment of RAC members;
- (e) Review of Cemetery compliance and performance.

24.2 Financial Member Oversight

The Board is accountable to the **financial members of the Jafaria Islamic Society**, who:

- (a) Elect the Board of Directors;
- (b) Hold the Board accountable through annual general meetings;
- (c) Have authority to change the Board if dissatisfied;
- (d) May call special meetings to address Cemetery matters.

24.3 Policy Amendments

24.3.1 Amendment Authority

- (a) The Board may amend this policy at any time;
- (b) Major amendments affecting religious eligibility, tenure, or member rights require special consideration (see 24.3.2).

24.3.2 Amendment Procedures for Major Changes

For amendments affecting:

- (a) ****Religious eligibility**** (e.g., adopting Option B multi-faith accommodation);
- (b) ****Grave tenure model**** (e.g., changing from perpetual to limited-term);
- (c) ****Member rights**** (e.g., renewal, transfer, succession);
- (d) ****Fundamental Cemetery purpose****;

The following procedure shall be followed:

Step 1: Board Preparation

- The Board develops a proposed amendment with supporting rationale
- The Religious Advisory Committee provides guidance on religious implications
- Draft amendment is prepared in final form

Step 2: Community Notice

- ****Written notice of the proposed amendment is provided to existing Interment Right Holders**** at least ****90 days in advance****

- Notice includes the text of the proposed change, the effective date, and impact on existing rights
- Notice is sent by mail to the address on file, or by email if updated contact information is available
- Notice is also posted at the Cemetery and provided to community members

Step 3: Community Comment Period

- A ****comment period of at least 30 days**** is provided for Interment Right Holders and community members to submit questions, concerns, or objections
- The Board shall review and consider all comments received
- Community members may request meetings or clarification from the Board

Step 4: Board Decision

- The Board votes on the proposed amendment
- A ****majority of Board members**** (or such higher threshold as specified in the Constitution) must vote to approve the amendment
- The Board's decision is final, subject to General Meeting override if applicable

Step 5: Implementation and Communication

- Upon approval, the amended policy is placed into effect as of the specified date
- Updated copies are provided to existing Interment Right Holders
- The amended policy is displayed at the Cemetery and on the Authority's website (if applicable)

24.3.3 General Meeting Consideration of Major Changes

For amendments that represent fundamental changes to the Cemetery's purpose or mission (such as adoption of Option B multi-faith accommodation), the Board may choose to:

- (a) Refer the amendment to a ****General Meeting of financial members**** for input and approval;
- (b) Allow the General Meeting to vote on the proposed amendment;
- (c) Require a simple majority (50% + 1) or higher threshold for approval as specified in the Constitution.

24.4 Policy Review Schedule

- (a) This policy shall be formally reviewed at minimum every ****three (3) years****;
- (b) The Board shall assess whether amendments are needed due to:
 - Changes in legislation or regulations
 - Changes in community needs
 - Operational experience and lessons learned
 - Guidance from the Religious Advisory Committee
 - Feedback from Interment Right Holders and community

- (c) The next formal review is scheduled for **[insert date, e.g., December 2028]**;
- (d) The Board may conduct additional reviews at any time if needed.

24.5 Effective Date of Amendments

- (a) Amendments become effective on the date specified by the Board;
- (b) For major amendments, the Board shall ensure a reasonable transition period (typically 30-90 days) between notice and effectiveness;
- (c) Existing Interment Right conditions shall continue unless the amendment specifically states that existing rights are modified.

25. COMPLIANCE AND ENFORCEMENT

25.1 Policy Compliance Obligation

All persons dealing with the Cemetery, including:

- (a) Interment Right Holders;
- (b) Successors and family members;
- (c) Funeral directors and staff;
- (d) Monumental masons and contractors;
- (e) Visitors and members of the public;

are bound by and must comply with this policy and all applicable laws and regulations.

25.2 Breach of Policy

A breach of this policy occurs when a person:

- (a) Violates any provision of this policy;
- (b) Fails to comply with a directive from the Authority;
- (c) Engages in prohibited activity within the Cemetery;
- (d) Fails to respect the sacred and solemn nature of the burial ground;
- (e) Interferes with others' rights or Cemetery operations.

25.3 Enforcement Powers

The Authority may enforce compliance through:

25.3.1 Warnings and Notices

- (a) For minor breaches, the Authority may issue a written warning;
- (b) The warning shall specify the breach and corrective action required;
- (c) The Interment Right Holder shall be given a reasonable time to remedy the breach.

25.3.2 Requirement to Leave Cemetery

- (a) For serious breaches or persistent non-compliance, the Authority may require a person to leave the Cemetery immediately;
- (b) The person may be temporarily or permanently barred from the Cemetery;
- (c) The Authority is not required to provide advance notice.

25.3.3 Cancellation of Interment Rights

- (a) For persistent or serious breaches, the Authority may **cancel the Interment Right**;
- (b) Cancellation may result in:
 - Loss of the exclusive right to the grave
 - Potential reallocation of the grave to another person
 - Loss of fees paid (non-refundable)

- (c) Cancellation is a serious penalty used only for significant breaches;
- (d) The Authority shall provide written notice and opportunity to respond before cancellation.

25.3.4 Cost Recovery

- (a) The Authority may recover costs associated with enforcement, cleanup, repairs, or removal of unauthorized items;
- (b) These costs may be charged to the Interment Right Holder;
- (c) Unpaid costs may be recovered as a debt.

25.4 Dispute Resolution

25.4.1 Initial Resolution

- (a) Disputes regarding Cemetery policy, Interment Rights, or Interment Right Holder obligations should first be addressed through discussion with the Cemetery manager or Authority representative;
- (b) The Authority shall attempt to understand the issue and reach a fair resolution;
- (c) Written explanation of the Authority's position may be requested.

25.4.2 Religious Advisory Committee Referral

- (a) For disputes involving religious or cultural matters, the issue may be referred to the Religious Advisory Committee;
- (b) The RAC may provide guidance on Islamic law, religious practice, or cultural sensitivity;
- (c) The Board shall consider RAC guidance when making a final decision.

25.4.3 Formal Complaint Process

- (a) If informal resolution is not achieved, a formal complaint may be filed with the Board;
- (b) The complaint must be in writing and specify the issue, the action taken by the Authority, and the desired resolution;
- (c) The Board shall review the complaint and provide a written response within [specify timeframe, e.g., 30 days];
- (d) The Board's decision is final, subject to legal review if the person has legal rights.

25.4.4 Legal Remedies

- (a) Nothing in this policy prevents a person from pursuing legal remedies through appropriate courts or legal processes;
- (b) Any disputes involving statutory rights (under the Act or Regulations) may be subject to legal review;
- (c) The person may seek legal counsel regarding their rights.

25.5 Record Keeping

The Authority shall maintain records of:

- (a) All breaches reported or discovered;
- (b) Warnings issued and corrective actions taken;
- (c) Cancellations of Interment Rights;
- (d) Disputes and their resolution;
- (e) Enforcement actions.

These records are maintained for accountability and to ensure fair and consistent application of policy.

CONCLUSION

Zainab Cemetery, operated by the Jafaria Islamic Society Ltd, serves as a sacred burial place for the Twelver Shia Muslim community. This Operating Policy reflects the Authority's commitment to:

- ****Religious integrity****: Maintaining the Cemetery's Islamic purpose and dignity
- ****Legal compliance****: Adhering to South Australian law and regulations
- ****Perpetual care****: Holding graves in perpetuity as Islamic Waqf endowments
- ****Transparent governance****: Providing clear policies and fair procedures
- ****Community service****: Serving the Twelver Shia Muslim community with respect and professionalism

By operating under this policy, the Authority seeks to provide a dignified, respectful, and enduring resting place for the deceased whilst maintaining the Cemetery's spiritual and financial sustainability.

SIGNATURE AND APPROVAL

This Operating Policy has been approved by the Board of Directors of the Jafaria Islamic Society Ltd.

Date of Approval: [To be inserted]

Chair/Assistant Chair, Board of Directors:

Signature:

Trustee, Board of Trustees: Ghulam Ali Hussaini _____

Signature:  _____

Witnessed by:

[LOGO PLACEHOLDER: Jafaria Islamic Society Logo]

NEXT REVIEW DATE: [To be inserted, recommend December 2028]

VERSION: 3 (Comprehensive Revision - December 2025)

END OF OPERATING POLICY

APPENDICES (To Be Attached)

Appendix A: Transfer Application Form

Appendix B: Application for Memorial Form

Appendix C: Section 30 Statement (Legal Compliance)

Appendix D: Interment Right Certificate (Sample)

Appendix E: Religious Advisory Committee Charter

Appendix F: Fee Schedule

Appendix G: Cemetery Map and Sections

Appendix H: List of Approved Monumental Masons