



Cemetery Management Policy

Responsible Officer	Chief Executive Officer
Relevant Delegations	Director of Corporate Services
Legislation and References	Local Government Act 1999 Burial and Cremation Act 2013 Burial and Cremation Regulations 2014

1. Introduction and Objectives

To outline the Clare & Gilbert Valleys Council's objectives with respect to Council owned and operated cemeteries, and to ensure compliance with the Burial and Cremation Act 2013 (the "Act") and Burial and Cremation Regulations 2014 (the "Regulations").

Council recognises that these community cemeteries are the resting place for many of the districts past pioneers and respected citizens and is committed to the efficient and effective management of these cemeteries in a caring and equitable manner in line with community expectations.

Council is responsible for the care, control and management of the following fifteen (15) cemeteries:

- Auburn General - 102 Moores Road, Auburn
- Black Springs - 92 Cemetery Road, Black Springs
- Clare General - Bennys Hill Road, Clare
- Manoora General - 2606 Barrier Highway, Manoora
- Mintaro General* - 12 Slate Quarry Road, Mintaro
- Rhynie General - 2 Milne Street, Rhynie
- Riverton General - 1017 Barrier Highway, Riverton
- Saddleworth General - 965 Saddleworth Road, Saddleworth
- Spring Farm Methodist - 427 Spring Farm Road, Spring Farm
- Stockport General - 89 Watts Terrace, Stockport
- Tarlee General - 197 Shannon Creek Road, Tarlee
- Upper Skilly Methodist* - 83 Skilly Chapel Road, Auburn
- Watervale General - 154 Great Northern Road, Watervale
- White Hut Gaelic* - 188 Gaelic Cemetery Road, Stanley Flat
- White Hut Methodist - 137 Koorama Road, Stanley Flat

*Denotes a cemetery listed on the South Australian Heritage Register - meaning the care, maintenance and development of the cemetery is subject to the requirements of the Heritage Places Act 1993.

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2. DEFINITIONS

Act	the Burial and Cremation Act 2013
Authority	The Clare & Gilbert Valleys Council
Bare Site	a site with no memorial but may or may not contain human remains (predominantly within a historic location)
Bodily Remains	means the whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated
Cemetery	any and all cemeteries under the control of the Authority
Cemetery Authority	the person or body for the time being responsible for the administration of the cemetery.
Chief Executive Officer or CEO	the Chief Executive Officer of the Clare & Gilbert Valleys Council
Expiry Date	the date of expiry of the Initial or Renewed Term of the Interment Right
Extended Term	each extended duration of the Initial Term of a Burial Right
Historic Sites	refers to sites; <ul style="list-style-type: none"> • Over 100 years old; or • With significant architecture; or • Where a person with historical significance or prominence to the region has been interred, or • Where sites relate to a Significant Event
Human Remains	the body or part of the body of a deceased person and includes cremated remains
Interment	of Human Remains includes: <ul style="list-style-type: none"> • burial in the earth, a vault or mausoleum • placement of cremated remains • burial in the earth of cremated remains
Interment Right	Formerly known as a Lease or Permit. An Interment Right is a document written in plain English, forming a binding agreement between the Authority and Interment Right Holder over a site within a cemetery and is issued under the Act.

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Interment Right Holder	is the person issued the Interment Right by Council in accordance with its specified terms and conditions
Memorial Structure (Niche Wall/ Cremonument / Columbarium...)	Place for cremated remains
Memorial	means: <ul style="list-style-type: none"> • An approved gravestone or other monument; or • A plaque; or • Any other approved structure or physical object used to memorialise a deceased person.
Memorial Right	a right for the memorialisation without human remains
Monument	means a monument, tombstone, tablet, gravestone, kerbing, railing or other erection to be constructed in a Cemetery, used for the commemorative purposes for burial sites
Regulations	the Burial and Cremation Regulations 2014
Renewed Term	a term of 99 years or perpetuity commencing from a date determine by the Authority in accordance with this policy.
Right	an Interment Right or a Memorial Right

3. Policy Statement

- 3.1 The management of interments and the granting of Interment Rights in Council's cemeteries is vested in the Council and delegated to its administration.
- 3.2 Council will maintain a plan of each cemetery that shows:
 - Each site at which human remains are interred;
 - Each site set aside for the interment of human remains; and
 - The number allocated to, or a description of, each site.
- 3.3 Existing Interment Rights (previously called leases) issued by Council prior to the development of this policy will be honoured by Council.
- 3.4 The cemeteries are not segregated into areas based on religion or ethnicity. Council will have regard to the customs and specific needs of all those who apply for an Interment Right.
- 3.5 Cemetery Service Fees and Charges are set annually for all services provided at cemeteries as part of Council's budget process and published in Council's current Schedule of Fees and Charges, available on Council's website.
- 3.6 Hours of Operation
 - 3.6.1 Cemeteries are open to the public from sunrise to sunset, or as the

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- Authority may determine.
- 3.6.2 The hours for interment are Monday to Friday between 9.00 am and 4.00 pm. (Weekends & Public Holidays only by special arrangement.)
- 3.6.3 There will be no interments on Christmas Day or Good Friday.
- 3.7 Visiting a Cemetery
- 3.7.1 A person must not remove, damage, deface or interfere with any building, memorial, other fixture or structure in a cemetery; or any part of the cemetery grounds including trees, shrub or plants
- 3.7.2 A person whilst within the cemetery grounds is not permitted to disturb a funeral service and or cause a nuisance or breach the peace.
- 3.8 Maintenance
- 3.8.1 Council will maintain the area of the cemetery, including grassed areas, pathways, roadways, plants, fencing and structures and may remove or reposition any item that impedes the maintenance of the cemetery.
- 3.8.2 Volunteers who undertake work in a Council cemetery must be managed by an incorporated association. This work must be done in accordance with the organisation's volunteer management and WHS structure, and in liaison with Council
- 3.8.3 For the safety and security of the general public, workers and the environment, no landscaping or maintenance of cemetery grounds, memorial structures or memorial sites is permitted to be carried out by unauthorised members of the public.
- 3.8.4 Over time, floral tributes will wither, weather and deteriorate affecting their presentation. Interment Right Holders are encouraged to remove these items before they become unsightly.
- 3.8.5 Council may remove any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flower that is, in the opinion of Council, unsightly.
- 3.8.6 In the event that the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, Council may level the site.
- 3.9. Issue of Interment Rights (previously called Leases/Permits)
- 3.9.1 An Interment Right gives the Interment Right Holder the exclusive right to bury or inter human remains in the allotted site. The Interment Right Holder must use the site only for the interment of human remains, consistent with this Policy, the Act and Regulations.
- 3.9.2 Interment sites will be allocated by Council. Council will assess requests to allocate a specific site giving consideration to operational requirements and will not unreasonably withhold approval.

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- 3.9.3 Interment Rights may be granted by Council for one or more sites within a cemetery on application and payment of the current fee as per Council's current Schedule of Fees and Charges, available on Council's website.
- 3.9.4 The term of an Interment Right commences at the date of issue, not the date of the first interment.
- 3.9.5 Council reserves the right to refuse any application for an Interment Right or renewal, to limit the number of Interment Rights issued to any person or entity, and to not permit a site to be used for burial or the placement of cremated remains
- 3.9.6 Interment Rights may be issued for the following:
In all grave sites there may be a maximum of two (2) burials and a maximum of four (4) cremated remains interred.
- Grave sites for a multiple depth system of burial.
The term of the Interment Right is for perpetuity or for a period of 99 years with renewal rights for a further period on the application of an Interment Right Holder or authorised person and payment of the current fee. A burial site can be used for an adult, child or infant burial up to the permitted maximum.
 - Memorial Structures
The term of the Interment Right is for perpetuity or for a period of 99 years with renewal rights for a further period on the application of an Interment Right Holder or authorised person and payment of the current fee.
 - Natural Burials
Watervale Cemetery has an existing dedicated natural burial site.
- 3.10. Renewal or Transfer of Interment Rights (previously called Leases)
- 3.10.1 Renewal of Interment Right
At the end of the Interment Right period Council may, on application of the Interment Right Holder or an authorised person, renew or extend an Interment Right on payment of the current fee.
- 3.10.2 Surrender of an Interment Right
The Holder of an unexercised Interment Right may surrender the Interment Right to Council as per the Act.
- 3.10.3 Transfer of Interment Rights
An Interment Right Holder for an unused interment site or niche may seek approval of Council to transfer the right to another person. Council will not unreasonably withhold its approval to transfer an Interment Right. However, an administrative fee may be charged as per the current Fees and Charges Register, available on Council's website.

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3.11 Interment of Human Remains

No Burial will take place in a Cemetery unless:

- 3.11.1 a written application for the burial in a form that the Authority may determine having regard to the Act and Regulations, is lodged at the offices of the Authority, and
- 3.11.2 an Interment Right or duplicate Interment Right is produced to the Authority upon request, and
- 3.11.3 the Authority receives reasonable notice of a request for the burial; and
- 3.11.4 all relevant fees are paid to the Authority, and
- 3.11.5 identifying information on all of the following has been checked and found to correspond:
 - the partial certificate of cause of death or disposal authorisation, as the case may be
 - the certificate of identification
 - the name plate affixed to the coffin or placed on top of the bodily remains, as the case may be.
- 3.11.6 No Bodily Remains will be interred in an interment site if the remaining term of an Interment Right is less than ten years or at least two years for cremated remains.
- 3.11.8 Placement of cremated remains can be carried out by the Funeral Director, Monumental Mason or Interment Right Holder and a Notification of Placement of Ashes must be received by Council and recorded in appropriate registers.

3.12 Cemetery Records

- 3.12.1 Under the Act, Council, as the “relevant authority” must maintain and make available to the public documentation for each cemetery.
- 3.12.2 Council maintains a register of interments in the cemeteries to the best available knowledge and records.
- 3.12.3 Cemetery records are available for inspection by the public on request at the Principal Council office during Council office hours.

3.13 Access to an Interment Site

- 3.13.1 The Opening and Closing of a burial site must be undertaken by a Council employee or a Contractor employed by the Council.
- 3.13.2 The allocation of a burial site must be confirmed with the Funeral Director or Monumental Mason by Council's administration, prior to any excavation or other work on the site being approved.
- 3.13.3 Council will not remove top stones/ledgers/granite slabs erected as part of a memorial to accommodate additional interments or memorial works. The Funeral Director or Monumental Mason is to

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- make arrangements and the removal cost will be the responsibility of the Funeral Director or Monumental Mason.
- 3.13.4 Interment will not be permitted if the term of an Interment Right has expired.
- 3.13.5 Council reserves the right of a temporary access at any time on or across any interment site, for equipment and material as necessary for interment on adjoining sites or for other operational purposes.
- 3.14 Memorial (Headstone – Monument – Plaque – burial site)
- 3.14.1 No new memorial works shall be commenced on any interment site unless the Interment Right for the site is current and a Memorial Application has been submitted to and approved by Council administration.
- 3.14.2 Only a Contractor approved by Council shall install a memorial headstone, full monument or plaque.
- 3.14.3 Full Monumental works must be kept within the confines of the allocated interment site.
- 3.14.4 Concrete surrounds must retain an internal measurement to allow for additional burials if required.
- 3.14.5 Headstones must be placed entirely on the beam within the confines of the allocated interment site.
- 3.14.6 Council will not be held responsible for damage to memorials through acts of vandalism, ageing or deterioration. Repair of damaged memorials is the responsibility of the Interment Right Holder.
- 3.14.7 The ownership of memorials, headstones, plaques, monuments and other approved structures remains with the Interment Right Holder. The Council is not responsible for the upkeep, repair or maintenance of any memorial.
- 3.14.9 In accordance with the Act, the Council may issue a notice to the Interment Right Holder of a memorial requiring repairs, removal or reinstatement of the memorial.
- 3.14.10 Council may act to remove any memorial or other structure that it deems, to be dangerous or dilapidated or repair it consistent with the Act at the Interment Right Holder's cost.
- 3.15 Depths of Coffins
- 3.15.1 Coffins must be interred at least at the minimum depth required by the Act and Regulations.
- 3.16 Opening of interment sites, exhumation and re-interment
- 3.16.1 At all times the Authority will comply with Part 2, Division 3 of the Act and the Regulations when dealing with the opening of interment sites, exhumation, and re-interment of Human Remains.

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3.17 Memorial Structure – Niche Walls - Plaques

- 3.17.1 No new interment and placement of plaque/s will occur unless the Interment Right for the site is current and a Memorial Application has been submitted to and approved by Council administration.
- 3.17.2 Plaque/s must be ordered before ashes are interred in the Niche Wall.
- 3.17.3 All Niche Wall Plaques will be order through Pearse Memorials, 53 Beare Street, Clare (08) 88423961.
- 3.17.4 Size of Plaques per Cemetery

Town	Single (mm)	Double (mm)
Auburn	180 x 180	440 x 180
Clare	180 x 120 180 x 150	440 x 120 440 x 150
Manoora	180 x 180	Not suitable
Rhynie	180 x 180	440 x 180
Riverton	152 x 152	360 x 152
Stockport	180 x 180	440 x 180
Tarlee	180 x 180	440 x 180

- 3.17.5 Only a Contractor approved by Council (Council's Contract Register) shall install a niche wall plaque.
- 3.17.6 Council staff do not handle cremated remains.

4. Memorial Structure - Niche Walls or equivalent - Construction

Council will provide a commitment for ongoing construction of new and or additional memorial structures across all Council owned cemeteries.

Applications will be considered on receiving a proposal from any community within the Council area that is seeking the new memorial structure. This proposal will then be assessed and is subject to approval from Council.

Council will include funding for community built memorial structure in its yearly capital budget capped to the value of \$20,000. Any funding shortfall must be obtained from other funding sources.

All memorial structures must have development approval (if required) from Council before construction can commence.

Clare Cemetery (additional structures) will be administered by Council.

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5. Review & Availability

This policy will be reviewed every four years, or as required.

The public may inspect a copy of this policy without charge at the Council offices during office hours and may obtain a copy for a fee fixed by Council

The policy is also available on Council's website www.claregilbertvalleys.sa.gov.au

6. References

Local Government Act 1999
Burial and Cremation Act 2013 and Regulations

7. Document History

Approved by	Issue Date	Minute Reference – Details of Review
CGVC	21 June 2021	New Policy Adopted by Council
CGVC	13 Dec 2021	Review and adopted by Council, removed the limit to (1) cremonument
	21 Feb 2022	Review Memorial Structures – Niche Wall Plaques

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