Cemetery Policy

Council Policy

Renmark Paringa Council

Responsible Officer	Director Corporate and Community Services
Relevant Legislation	Burial & Cremation Act 2013 Burial & Cremation Regulations 2014
Adopted	19 December 2017
Reviewed	March 2026
Next Review	March 2029

Purpose

Cemeteries are significant community assets that provide meaningful spaces for remembrance and reflection.

Renmark Paringa Council is responsible for the care, control and management of Lyrup Cemetery, Paringa Cemetery and Renmark Cemetery.

The purpose of this Policy is to establish guidelines for the care, control and management in relation to the operation of the Cemeteries where Renmark Paringa Council is the relevant authority as defined under the Burial and Cremations Act.

Objective

- Renmark Paringa Council aims to efficiently and effectively manage and maintain Cemeteries with dignity and respect to meet the needs of the community.
- To ensure that the interment of human remains occurs in accordance with The Burial and Cremation Regulations 2014 (SA), The Burial and Cremation Act 2013 (SA), The Births Death and Marriages Registration Regulations 2013, Work Health and Safety Act 2012, Work Health and Safety Regulations 2012, and Local Government Act 1999.

Definitions

"Act" means the Burial and Cremation Act 2013 (SA).

"Authorised" means a written authority has been issued by Council.

"Burial" *means the interment of non-cremated human remains.*

"Cemetery" means the Lyrup Cemetery, Paringa Cemetery and the Renmark Cemetery.

"Cemetery Regulations 2014" means the Burial and Cremation Regulations 2014

*"**Council**"* means the Renmark Paringa Council.

"Burial Right" means a Right for the Interment of Human remains.

"Human Remains" means the body or part of the body of a deceased person and includes cremated remains.

"Interment" means the placement of human remains by either burial or ashes interment.

"Interment Right" means a interment right issued under the above act for a Burial, Ashes Interment or Memorial.

"Memorial" means –

- 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" means a right for memorialisation without human remains.

Policy

Opening hours

- Cemeteries are open from 7:00am to sunset 7 days per week, or as Council may otherwise determine.
- No person, except a person authorised by Council, may be in a Cemetery at any other time.

Fees and Charges

- Each financial year Council will review costs for services provided in a Cemetery as part of the annual budget process.
- Costs are documented in the Renmark Paringa Council Fees and Charges Schedule, available on Councils website www.renmarkparinga.sa.gov.au.

General Conduct

- A person must not cause any nuisance or breach the peace in a Cemetery.
- A person must at all times conduct themselves in a manner that respects the rights and safety of others visiting a Cemetery.

Traffic Regulations

- A speed limit of 10 km per hour applies in a Cemetery.
- A person must not drive a motor vehicle within a Cemetery in a dangerous or careless manner or without reasonable consideration for others.
- All motor vehicles must remain on the designated roadways unless otherwise directed by Council.
- All motor vehicles must park in the designated parking areas unless otherwise directed by Council.
- All road rules apply within a Cemetery.

Control of Animals

- A person must not ride, drive or exercise animals in a Cemetery except with the prior approval of Council.
- All dogs in a Cemetery must be kept under effective control and be on a leash. All dog faeces must be removed by the person in control of the dog.

Cemetery Tributes

- Tributes may be placed only within the designated burial or memorial site and must be contained in unbreakable containers, unless otherwise approved by Council. In lawn areas, tributes are permitted solely on the memorial or plinth and are not allowed on the lawn itself.
- Items made from or containing glass or other breakable materials (including porcelain, terracotta and hardened clay), unless they are built into the monumental work, are prohibited.
- Private planting of shrubs, bushes, trees and potted plants are not permitted.
- Stones, pebbles, artificial lawn, decorative fencing and metal spikes are prohibited in all lawn areas.
- All naked flames, flammable liquids including candles and incense, may only be lit when under direct supervision and must not be left unattended at any time.
- Decorative solar or battery candles are permitted within the designated burial or memorial site.
- Tributes that encroach on neighbouring sites and detract from the environment within which they are placed may cause considerable distress to other visitors. It is important for families to keep all tributes within the confines of their burial or memorial site and to refrain from fixing items to surrounding trees, plants or shrubs.
- Over time tributes will wither, weather and deteriorate, affecting their presentation. Families are encouraged to remove these items.

- Council reserves the right to clear any unattached ornamentation, tribute, empty flower container, broken masonry, candles, decayed or broken wreath or spent flowers at the discretion of Council.
- Council will take every precaution to ensure that floral tributes on memorials will remain intact whilst in good condition but will not be held responsible for removal either by its staff or members of the public.

Maintenance of Graves, Plaques, Monuments & Structures

- The ownership of plaques, monuments or other structures installed or constructed is deemed to be with the Interment Right holder.
- The Interment Right holder is responsible for the upkeep, maintenance, repair of any plaque, monument or structure.
- Council may act to remove any structure that has become dilapidated, unsafe or unsightly. Except in circumstances where there is a risk to the safety of persons or damage may be imminent to nearby sites, Council will take reasonable steps to contact Interment right holder to provide an opportunity to take required actions to remedy the interment site.
- Council does not accept any responsibility for damage to memorials through acts of vandalism, ageing or deterioration.
- Council will maintain natural soil level where there is ground movement or subsidence, not including structures as outlined above.

Interment Rights

The following guidelines apply for the issuing of Interment Right in Council Cemeteries:

- An application for an Interment Right must be completed and an Interment Right issued to the applicant before a grave can be used or work undertaken to either erect, upgrade or maintain a memorial or monument.
- The minimum initial term of an Interment Right is determined by Council and is the period specified on the Interment Right.
- The term of an Interment Right commences from the date of issue.
- All Interment Right holders have the responsibility to keep Council informed of their current contact details.

Authority to Issue Interment Rights

Council may issue an Interment Right in relation to one or more sites in a Cemetery where:

a) An application, in the form prescribed by Council, is received and approved

b) A "Plain English Statement" form recording the burial and memorial sites, interment rights and responsibilities is signed by the proposed Interment Right holder, and

c) the applicant pays the appropriate fee.

Authority to Renew Interment Rights

Council will renew or extend an Interment Right for an additional period or periods in accordance with the Act and Regulations where:

a) An application, in the form prescribed by Council, is received and approved

b) A "Plain English Statement" form recording the burial and memorial sites, interment rights and responsibilities is signed by the Interment Right holder, and

c) the applicant pays the appropriate fee.

Where an extension to a current (in tenure) Interment Right is being sought, the following applies:

a) The extension of the tenure period will be applied to the existing Interment Right expiry date.

b) A new Interment Right will be issued noting the revised expiry date of tenure.

c) The original Interment Right number will be retained on the new Interment Right.

d) The previous Interment Right will be cancelled.

Where the tenure of an Interment Right has expired but is subsequently renewed in accordance with the Act, Regulations, and this policy, the following applies:

e) The Interment Right will be deemed to have been extended under the same Interment Right as if the Interment Right has not lapsed.

f) The renewal payment will not be backdated to the date of expiry of the Interment Right.

g) The renewal period of tenure will commence from the date of issue

h) The renew will not be registered until the appropriate fee has been paid.

i) A new Interment Right will be issued noting the revised expiry date of tenure.

j) The original Interment Right number (if applicable) will be retained on the new Interment Right.

Claimants to Interment Rights

- Where there is one or more joint Interment Right holders, and one of the Interment Right holders dies, Council will recognise the surviving Interment Right holder or holders as the only person or persons having title to an Interment Right.
- Where a sole Interment Right holder remains in respect of an Interment Right, the rights granted to the Interment Right holder may be exercised upon the death or legal incapacity of the Interment Right holder by any one of the following people in descending order of entitlement:

  a) The executor of the estate of the deceased person, or

  b) If there is more than one executor, one of the executors acting with the permission of all the other executors, or

  c) The administrator of the estate of the deceased person,

  Or, If there is no personal representative:

  a) By the spouse or domestic partner of the Interment Right holder, or

  b) If there is no surviving spouse or domestic partner — by the eldest living relative of the Interment Right holder in the following descending order of priority:

    - a child
    - a grandchild or great-grandchild
    - a brother or sister
    - a parent
    - a grandparent
    - an aunt or uncle
    - a nephew or niece
    - a cousin
    - any other blood relative.

- A person claiming ownership of an Interment Right must, if necessary, prove their ownership to Council. Council will determine the evidence necessary to demonstrate the relationship and entitlement of a person claiming a substituted right and Council retains discretion to determine which person will be entitled to exercise the substituted rights in the event of a dispute between one or more people.

Transfer of Interment Right

- The right and responsibility of an Interment Right transfer resides with the Interment Right holder.
- Council may permit a transfer of Internment Right upon receiving:

  a) An application to transfer, in a form that Council may determine having regard to the Act and Regulations;
  b) Evidence to Council, that it may require, to show that the Interment Right holder can achieve the transfer, or if the Interment Right Holder is deceased, evidence as to the entitlement of the Interment Right: and
  c) All relevant fees are accepted by the applicant to be paid by invoice to Council.

Surrender of Interment Right

- An Interment Right holder, and only the Interment Right holder, has the right to surrender the Interment Right to Council in accordance with the Act and Regulations.
- On surrender the rights granted under the Interment Right are discharged
- Partial refunds are available in accordance with the Act and Regulations for unused sites.
- Unused sites that are surrendered may be dealt with by Council in its absolute discretion.
- Any Memorial may be reclaimed by the Interment Right holder upon surrender of the Interment Right, or if unclaimed may be disposed of by Council in accordance with the Act and the Regulations.

Burials

The hours for burials are:

- Between 9.00am and 2.00pm Monday to Friday.
- Any times outside of these hours need to be approved by Council and are subject to additional fees.
- Weekends and Public Holidays are by special arrangement only and are subject to additional fees. There will be no burials on Christmas Day or Good Friday.

Authorisation of Burials

No burial or placement of cremated remains will take place in a Cemetery unless:

- A written application for burial, submitted in the form determined by Council in accordance with the Act and Regulations, must be approved by Council and received at least two full working days prior to the requested interment date.
- All relevant fees are accepted by the applicant to be paid by invoice to Council.
- Identification of bodily remains, as determined in the Regulations has been checked and found to correspond.
- 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.
- A maximum of two burials is permitted in any burial site provided that sufficient depth is available.
- A maximum of four cremated remains may be interred in each burial site.
- A maximum of two cremated remains may be interred in each memorial garden lease.
- A maximum of one cremated remains may be interred in each niche wall lease.
- If, at the same time as a burial is taking place, the Interment Right holder wishes to place cremated remains within the coffin or the open grave, the Interment Right holder must provide Council with the full name, date of birth and date of death of the cremated remains. This interment of cremated remains will be subject to an additional fee.

Memorials

- Council must approve the design, workmanship and proposed inscription of all Memorials before any work is carried out.
- Memorials shall be of marble, granite or other durable material approved by Council. Wooden structures are not permitted, other than in the form of a temporary wooden cross.
- Council may refuse any design for a Memorial as it may determine.
- Memorials must be constructed and installed in accordance with Council's specifications as displayed on the permit form.
- All Memorials for a burial interment site must be constructed, altered and installed by a Monumental Mason, Stonemason or other person who is authorised by Council to undertake such work.
- Masons working within a Cemetery must comply with all Workplace Health and Safety requirements.
- Any work should give consideration to those attending the Cemetery and work shall cease where there may be an impact on those people.
- The area around grave sites shall be left in a clean and tidy condition at the completion of the work.
- Any waste or surplus material shall be removed and not stockpiled at the Cemetery.
- Care shall be taken to avoid any damage to memorial(s) when accessing or undertaking works. Any damage shall be reported to Council immediately.
- The Internment Right holder will be responsible for the maintenance, repair or removal of the Memorial.
- Any Memorial deemed unsightly or unsafe, must be repaired or replaced by the Interment Right holder within eight (8) weeks of notification by Council or other such time as agreed between the parties.
- All notified Memorials not claimed for repair or replacement by the Interment Right holder within twelve (12) weeks of notification may be removed by Council.
- Council does not accept any responsibility for damage to Memorials through acts of vandalism, ageing or deterioration. Repair of damaged Memorials is the responsibility of the Interment Right holder.

Registers/Records and Plans

1. Council will maintain keep a register of Interment Rights in accordance with Section 53 of the Act and Regulation 36.
2. Copies of the registers and plans of the Cemetery are available for inspection by members of the public during the office hours of the Council.

Authorised Officers

The Council may appoint authorised officers to ensure administration and enforcement of section 59 of the Act.

References/Related Documents

- Burial and Cremation Act 2013 (SA)
- Burial and Cremation Regulations 2014 (SA)
- Local Government Act 1999 (SA)
- Work Health and Safety Act 2012 (SA)

Document Control

Version #	Approval Date	Approved by	Amendment
1.0	4 December 2017	Policy Review Committee	- New Policy
2.0	11 November 2020	Policy Review Committee	- New Policy format
3.0	15 August 2023	Policy Review Committee	- Reviewed and adopted
4.0	31 March 2026	Policy Review Committee	- Reviewed and adopted