

	Cemetery Policy <i>Policy No. WKSPOL 09</i>	Version No:	2
		Responsible Officer/s:	Director – Works & Infrastructure
		Classification:	Council
		Issued:	8 April 2015
		Next Review:	September 2029

1. Purpose

This policy outlines the District Council of Grant's objectives in respect of the Council owned and operated cemetery at Port MacDonnell. It has regard to the *Burial and Cremation Act 2013 (the Act)* and the Burial & Cremation Regulations 2014, under which Council cemetery authorities must meet revised requirements for the operation and regulation of the cemetery within the Council area. Council recognises that this community cemetery is the resting place of many of the district's pioneers and respected citizens and will efficiently and effectively manage them in a caring and equitable manner to meet the needs of the community.

2. Scope

This policy applies to the Council owned and operated cemetery facility at Port MacDonnell. The cemetery shall be open at all times, subject to temporary closures required for maintenance, public safety etc. from time to time as determined. This policy is applicable to all staff and members of the public using the District Council of Grant cemetery facility.

3. Definitions

In the absence of a definition, the definition is to be taken as being consistent with relevant legislation as referenced in Section 6.

Human remains means bodily remains and includes— (a) the remains of a still-born child; and (b) bodily remains after they have been cremated.

Interment (a) burial in the earth
(b) the placement of cremated remains

Memorial (a) a gravestone, plaque, cenotaph or other monument; or
(b) any other structure or permanent physical object used to memorialise a deceased person;

Cemetery Plot A double cemetery plot is **3.0 x 3.0m**

Authorised Representative A person who has been given written authority to sign the Memorial Works Application on behalf of the Interment Right holder.

	Cemetery Policy Policy No. WKSPOL 09	Version No:	2
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4. Policy

4.1. Office Hours

The administration of the cemetery is conducted at the District Council of Grant office located at 324 Commercial Street West, Mount Gambier. The office is open from Monday to Friday 8.30am to 5pm (excluding Public holidays and advertised closures).

4.2. Fees

Interment Right fees are payable and cover the maintenance of the surrounding garden.

Burial fees are applicable and will be charged to the funeral director.

The scale of fees will be reviewed on an annual basis. An up-to-date copy of the fees is available on the Council website.

4.3. General Conditions

The terms for all new Cemetery Interment Rights shall be in perpetuity, which shall begin from the date the Interment Right was issued, whether it was issued for a reservation or burial. Existing reservations issued by Council prior to the development of this policy will be honoured by Council. The cemetery will not be segregated into areas based on religion or ethnicity in accordance with Section 23 of the Act. Council will have regard to the customs and specific needs of all those who apply for an interment permit.

Council will consider applications regarding:

- the need for the site to be managed and maintained at a standard consistent with its significance and as an important family memorial place;
- remaining interment sites available.

No interment is permitted to take place unless Council has sighted a certificate of identification of the deceased, a partial certificate of cause of death; or a disposal authorisation; or authorisation to dispose of human remains granted by the Minister of Registrar, in accordance with Section 12 of the Act.

In accordance with Local Government (Cemetery) Regulations 2010, a name plate affixed to the coffin or if without a coffin, placed on top of the remains which includes at least one given name, surname and date of death is a mandatory requirement prior to interment.

4.4. Administration

4.4.1. Document and Record Keeping:

The Council must keep a register of Interment Rights (**Register**).

	<i>Cemetery Policy</i> <i>Policy No. WKSPOL 09</i>	Version No:	2
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		Next Review:	September 2029

The Register must contain:

- The location of the number allocated to the interment site (if identified); or a description of each site in the cemetery of which an interment right has been issued.
- The full name and address of the Interment Right holder/s.
- The full name of the person/s whose remains may be interred (if identified)
- The period for which it has been issued.

A record is to be kept of all **memorials** and must include:

- The size, type, location in cemetery of the memorial and all inscriptions (eg: name, epitaph etc) on the memorial
- The name/s inscribed on the memorial
- Any epitaphs or other inscriptions on the memorial
- The location of the memorial in the cemetery

A register of interment or reinterment (**Interment Register**) must be kept by Council that identifies (so far as possible) the persons whose remains are interred; Identifies the site in which the remains of each such person are interred; and records exhumations of human remains interred. The Interment Register to also include:

- The name of the deceased person,
- The age of the deceased person at the date of death,
- The last place of residence of the deceased person,
- The date of interment/re-interment occurred,
- The location of the interment site and number (if any),
- Whether the remains of the deceased were cremated,
- If the remains of the deceased were interred in the earth:
 - Whether the remains were interred in a coffin or other receptacle;
 - The number allocated and location of the interment site;
 - The depth to which the remains were interred.

No interments may proceed unless a name plate with the surname, a given name and the date of death is affixed to a coffin, placed on top of a shroud (if shroud burial) or affixed to the outside or placed within a receptacle of cremated remains.

Note: Council do not allow interment in a mausoleum or vault at the Port MacDonnell Cemetery.

Council must keep a plan of the Cemetery and note each site at which human remains are interred and each site set aside for interment.

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		Next Review:	September 2029

4.4.2. Transfer and Surrender of Interment Rights

- An Interment Right may be transferred and a fee not exceeding the current fee payable for an Interment Right may be charged.
- An Interment Right may be surrendered if there has been no interment or memorial erected and Council must give a refund equivalent to the current fee payable, less the fee for administration costs in accordance with the prescribed formula at the time of surrender. (Surrender of Interment Rights Regulations).

4.5. Issue of Interment Rights

The Council may grant a reservation of an Interment Right upon application and completion of a Request for Advance Interment Right form and payment of the appropriate fee. The Interment Right gives the holder the exclusive right to bury or inter human remains in the allotted site. Council will grant Interment Rights in perpetuity. If it is found that a “Reservation” site has inadvertently been used due to Council’s error, the original holder of the right will be offered a replacement site, as close to the original site as possible, at no additional cost.

Before issuing an interment right to a person, a Plain English Statement must be given to the person. This may come from Council or the funeral director and ONLY when it is a new interment right. No Interment Right is required for scattering of ashes, however, the proposed plan for scattering of ashes is required to be submitted to Council in writing for prior approval to minimise the risk of any potential issues with any third parties.

A holder of an Interment Right is required to comply with the Act and Council approval prior to interment of human remains. The process of excavation or modification must be undertaken by a Council employee or contractor approved by Council. Confirmation of a burial site must be verified by Council’s Administration prior to any excavation.

4.6. Burial Options

Interment Right holders have the option of including multiple interments of no more than 4* burials in a double cemetery plot of 3.0m x 3.0m by using two depths of 1.67m and 2.13m. A burial must be at a depth of more than 1 metre from the surface of the ground. In an endeavour to minimise the need to disturb remains, consideration should be given to all proposed interments for each plot wherever possible.

Multiple Interments: Council will allow the reopening of graves at Port MacDonnell Cemetery subject to the following conditions:

- When the removal of memorial slabs and headstones is required, Council staff will take all reasonable care not to cause any damage, however if the memorial slab or headstone is inadvertently damaged during this process Council will not be held responsible for any repairs.

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		Next Review:	September 2029

Unless Council is informed otherwise, in the instance of a husband and wife being buried in a double plot, the husband will be buried on the south side of the double plot.

Port MacDonnell Cemetery does not have a section dedicated to a natural burial ground. A burial may take place in a shroud provided the burial adheres to burial legislation.

*To help manage work health and safety risks, the number of interments allowed in a double plot has been reduced from six to four, effective from 19 January 2026. Council understands this change may raise questions and will work with Interment Right holders to address any concerns. Interment Right agreements made before 19 January 2026 will be honoured as made.

4.7. Memorial Walls

Please refer to the Plaques and Memorials Policy (WKSPOL 17)

4.8. Tributes

Council may remove and dispose of any tribute when it is deemed unsightly, offensive or is a risk to public safety. Aged flowers and wreaths may be removed at Council's discretion and without notice. Solar powered lights or spikes are prohibited and will be removed without notice.

4.9. Memorials

A Memorial Works Application must be completed and approval given by Council before any memorial works are carried out.

The Application must be signed by the Interment Right Holder or by an authorised representative (**representative**). Council must sight verification of the authority to act for the Interment Right holder prior to progressing the Application, with a copy of the authorisation to be taken for Council records.

Cemetery memorials will only be installed by Council or a contractor approved by Council, with the written consent of the Interment Right holder or representative, following approval of a Memorial Works Application.

Any damage to existing memorials is the responsibility of the Interment Right holder or representative named on the Memorial Works Application.

Restrictions may apply to the type, size or style of memorial within the Port MacDonnell Cemetery, with proposed memorial details (eg: size, height, construction material including colour) to be submitted for approval when lodging the Application.

It is recommended that plaques and headstones are manufactured and installed by a Master Monumental Mason.

The Council shall not be responsible for the upkeep, maintenance, repair etc of any plaque, memorial or structure. The Council may act to remove any structure or placed item that has become dilapidated, unsightly, or is considered unsafe.

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The ownership of memorials is deemed to be with the Interment Right holder (or representative) who caused the plaque or memorial to be installed and is therefore responsible for the upkeep, maintenance and repair of the memorial.

Landscaping may only be undertaken by an authorised person(s) and any unauthorised landscaping may be removed by the Council.

4.10. Exhumations, removals & re-interment

Restrictions apply in accordance with legislation regarding exhumation and re-interment.

5. Responsibilities

The Director of Works and Infrastructure is responsible for compliance with this policy under delegated authority from the Chief Executive Officer.

6. References / Other Documents

Any references to legislation and/or documents include as amended, supplemented, updated and/or augmented from time to time.

Legislation:

Burial and Cremation Act 2013 (SA)

Burial and Cremation (Interment Rights) Amendment Act 2023 (SA)

Burial and Cremation Regulations 2014 (SA)

Burial and Cremation (Surrender of Interment Rights) Variation Regulations 2021

Local Government (Cemetery) Regulations 2010

Policies:

Plaques and Memorials Policy (WKSPOL 17)

Forms:

Memorial Works Application (Port MacDonnell Cemetery) WKS003.1

Burial/Interment Order (Port MacDonnell Cemetery) WKS002.1

Request for Advance Interment Right (Port MacDonnell Cemetery) WKS001.1

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7. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	8 April 2015	15046.6
Reviewed	18 November 2019	19156.3
Minor formatting amendments	4 May 2020	Governance Officer
Reviewed – Adopted by Council	19 January 2026	Resolution 26009