Cemeteries & Memorials Policy

Policy Number	POL-CEMV5
File Number	9/POL/CEM/2
Responsible Officer	Director - Corporate & Finance Services
Adopted	14 July 2020
Last reviewed at Council Meeting	18 August 2026
Minute Number	C08-26/006
Due date of next Review	18 August 2030

1. Purpose

1.1 This Policy outlines Mid Murray Council's objectives in respect of Council owned and operated cemeteries and in regard to the *Burial and Cremation Act 2013* (the Act) and the *Burial & Cremation Regulations 2014* (the Regulations). Council recognises that many of these community cemeteries also have historical significance as the resting place of many of the area's pioneers and elders of our community. Council will efficiently and effectively manage these cemeteries in a respectful manner to meet the needs of the community.

1.2 This Policy applies to the following cemetery facilities owned or operated by Council:

Open

Black Hill (New) – Section 232 Quarry Rd
Blanchetown
Bowhill
Cadell
Caloote
Mannum
Milendella
Morgan
Palmer
Sanderston
Swan Reach
Towitta
Truro
Tungkillo
Walker Flat

Closed

Angas Valley
Black Hill (Old) – Section 237C Quarry Road
Black Hill (Other) – Lot 91 Quarry Road
Forster
Lindley
Mount Mary
Pine Hut Creek
Rheinthal
Sandleton
Schomburgk
Teal Flat

2. Policy

2.1 Principles

2.1.1 All existing interment reservations issued by Council will be honoured and renewal of interment rights will have **regard** to the basis on which the original burial sites have been allocated.

2.1.2 All fees and charges will be in accordance with the published Mid Murray Council Fees and Charges Schedule.

2.1.3 Cemeteries will not be segregated into areas based on religion or ethnicity. In accordance with Section 23 of the Act, Council will give consideration in regard to the customs and specific needs of all those who apply for an interment permit.

2.1.4 In considering applications and/or renewal of interment rights, Council will have regard to:

- the Cemetery's local historical significance as a burial place for many of the pioneers of the area;
- the need for each cemetery site to be managed and maintained at a standard consistent with its significance and as an important family memorial place; and
- the availability of remaining interment sites, recognising relatives of people already interred in the cemetery, people with a long association to the area, and those who have made contributions to the well-being and social fabric of the community.

2.2 Issue of Interment Rights

Interment rights may be granted by Council for one or more sites within a cemetery on completion of an application and full payment of the fee. The interment right gives the holder the exclusive right to bury or inter human remains in the allotted site. The holder of the interment right may use the site only for interment of human remains consistent with this Policy and the *Burial and Cremation Act 2013 (*the Act). Interment rights may be issued for the following:

2.2.1 **Grave Sites (for new interments) for a dual or triple depth system of burial.**

The site can be used for the term of the interment right which is 50 years with renewal rights for a second period on the application of an interment right holder or authorised person (see Section 30 of the Act). The exception will be that the Mannum Returned Service League (RSL) section grave sites will be a perpetual lease.

- Standard depths for graves are as follows (dependent on location of cemetery):
  - Ordinary depth – 1.5m
  - Extra depth – 1.8m
  - Triple – 2.1m

2.2.2 **Natural Burials**

- While no dedicated natural burial site is available in the Mid Murray area, natural burials can be undertaken in all Mid Murray Cemeteries. The use of a headstone is at the discretion of the individual.
- The *Burial and Cremations Act 2013* allows for the establishment of natural burial grounds and natural burials within cemeteries in South Australia. The Act calls for the use of biodegradable coffins or shrouds; without embalming or the use of toxic chemicals.

2.2.3 **Mausoleum**

Council may approve an application for construction of an above ground structure subject to specifications.

2.2.4 **Memorial Gardens or Columbarium**

The term of an interment right for ashes, in Memorial Gardens or Columbarium is 50 years, with a second period available upon application of an interment right holder or authorised person (see Section 30 of the Act). The exception will be that the Mannum Returned Service League (RSL) columbarium niches will be issued with a perpetual lease.

2.2.5 **Vaults**

- Council may, on application, approve the construction of a watertight vault (distinct from a mausoleum) of either single or dual capacity depth. Approval will be subject to soil and ground water conditions, design and specifications.

- Construction will be in accordance with the specifications provided and subject to supervision of Council's building supervisor or a contractor approved by Council (see Section 30 of the Act).

2.2.6 Cremated Remains

- Council approval is not required for scattering of cremated remains on private or public land, however, Council requests that sensitivity and consideration be shown to the community, residents and visitors in the immediate area when undertaking this process.
- Cremated Remains contained within an urn may be positioned as per the Memorial Gardens or Columbarium section above, and upon application of internment right (see Section 36 of the Act). Council permission is required for the scattering of cremated remains within Mid Murray Council cemetery grounds.
- To inter Cremated Remains within a new or existing burial plot Council approval is required and the interment must not be undertaken without the completion of the relevant forms and payment of fees in full.
- Once Cremated Remains are interred within a burial plot, no further bodily internments may occur within that plot.
- Council may upon request (if special circumstances exist) hold Cremated Remains prior to internment on site in a secure location.

2.3 Renewal or Transfer of Interment Rights

2.3.1 Renewal

At the end of the interment right period Council may, upon application of the interment right holder or an authorised person, renew or extend an interment right upon payment of the fee (See Section 32 of the Act).

2.3.2 Transfer of Interment Rights

A person holding an interment right for a grave site or columbarium niche / memorial garden plot, may seek approval of Council to transfer (Section 33 of the Act) the right to another person. Council will not unreasonably withhold its approval, however, relevant forms and documents must be sighted. From July 1 2025 fees and charges will be applied to transfers.

Transfer of an interment right will be required when the internment right holder is deceased prior to any internment taking place.

Transfer of Interment Rights are subject to the Councils Fees and Charges

2.3.3 Surrender of Interment Rights

A person holding an interment right for an unexcised grave site or columbarium niche / memorial garden plot, may seek approval of Council to surrender (Section 34 of the Act) the internment right. On completion of the surrender the rights granted under the Interment Right are discharged.

Council will not unreasonably withhold its approval, however, fees for the surrender will be at the cost of the holder of the interment right in accordance with Schedule 1 of the Regulations.

Unexcised sites that are surrendered may be reallocated by the Council in its absolute discretion.

2.3.4 Lost Documentation

Council may issue a copy/replacement of an interment right certificate upon receipt of a Statutory Declaration by the interment right holder or an authorised person which sets out the circumstances in which the formal documentation was lost.

2.4 Reuse of Interment Rights

In the event of a right of interment not being renewed, Council will take reasonable steps in writing to advise a holder of the right of the impending expiration of the right at least 12 months prior to its expiration. If the holder of the right does not renew the interment right by the expiration date:

2.4.1 **for a burial site:** the interment site is deemed to have expired and Council has the right to reuse the site in accordance with the legislation.

2.4.2 **for an ashes interment site:** the holder of the interment right may:

- instruct the Council to move the interment remains to an unmarked location in the cemetery; or
- collect the remains for private disposal; or
- If the interment holder cannot be contacted within 60 days, then Council will dispose of the ashes appropriately.

2.5 Disposal of Human Remains

2.5.1 On Rural Land

Council does not allow or permit any burial of human remains on private land. All burials within the Council area must be undertaken within a cemetery.

The exception to this is historical burial sites that may exist for members of a specific family that were established for this purpose prior to the formation of Council.

As these sites are not defined as a cemetery under the Act, they do not have preservation or visitation rights, and if the property is subsequently sold, the family of the deceased has no right of visitation (unless granted by the new owner) and no ownership of the burial plot.

For the avoidance of doubt, the existence of historical burial sites on private land such as these does not set a precedent for any future private burial sites within the Council area, and this sites can only be used for relatives of the existing property owners whilst this ownership is maintained.

2.5.2 **Documentation**

- Applications for a right to inter human remains in a Council cemetery must be accompanied by appropriate documentation in accordance with Section 12 of the Act and Regulation 9 of the Regulations.

  Council cannot allow disposal of human remains without sighting and recording the details of:

  - a certificate of identification for the body, and
  - a partial certificate of cause of death, or
  - a disposal authorisation, or
  - an authorisation to dispose of human remains granted by the Minister or the Registrar under Section 12 of the Act, and
  - photograph or viewing of name plate affixed to coffin / casket.
- All interments in Council owned/operated cemeteries are to be approved by Council using the appropriate application form. Interments are to be undertaken by the funeral company specified on the Burial Authority. Preparation of the interment site is to be undertaken by Council or a contractor authorised by the Council.

2.5.3 **Notice of Interment**

- Funeral Directors are to provide a minimum of five (5) full business days' notice that an interment is required
- No interments will be permitted during office closures, public holidays or Sunday's .
- Where less notice is provided, Council staff may advise that the requested proposed interment cannot be accommodated.

2.5.4 **Burial and Interment Hours**

- Burial and Interment hours are between 9:00am and 5:00pm Monday to Friday and between 9:00am and 12:00pm on Saturdays, with backfilling to commence no later than 11.30am on Saturday and 4.30pm Monday to Friday.
- Or as the Authority may determine.

2.5.5 Burial and Internment Hours – Morgan & Cadell

Due to the inability to secure suitable contractors in the Morgan and Cadell region the hours are restricted. Interments are to occur within the hours of 8:00am to 3:00pm Monday to Friday excluding public holidays. If an interment is required outside these hours, Council may not be able to accommodate the request.

2.5.6 Register/Records & Plans

- Under Section 53 of the Act, the Council, as the relevant authority, must maintain and make available to the public, documentation for each cemetery.
- Copies of the registers and plans of the cemetery are available for inspection by members of the public during normal Council office hours.

2.5.7 Access to an Interment Site

- A holder of an interment right (including those who have existing Interment Rights) is required to comply with the Act and the approval given by Council, prior to:
  - interment of human remains in a cemetery
  - reopening an interment site containing bodily remains; and
  - removing or relocating human remains.
- The process of excavating and/or modification of a site must be undertaken by a Council employee or a contractor approved by the Council. Confirmation of a burial site must be verified by Council's Administration prior to any excavation or other work on the site.

2.5.8 Exhumation of Bodily and Cremated Remains

- Exhumation of bodily remains may be approved by Council on application. Prior to exhumation being conducted approval from the Attorney General must be provided to Council. If the Attorney General does not permit the exhumation, Council will be unable to allow the exhumation. All costs associated will be the responsibility of the applicant.
- Exhumation of cremated remains from Memorial Gardens or Columbarium may be approved by Council on application from the Internment Right Holder. If there is a Memorial plaque erected / installed, Council or an approved Council contractor will remove the Memorial plaque and disinter the cremated remains and return Council for collection by the Internment Right Holder for a period of 30 days (noting that there is no guarantee given that the Memorial plaque will not sustain damage during removal). Fees and charges for this service will be as per Council's fees and charges schedule.
- If the Internment Right Holder wishes to surrender the internment right once exhumation has occurred, Council are not required to refund the Interment Right as per the fee schedule in Section 34 of the Act, as this only applies to unexcised Interment Rights

2.6 Memorials within Cemeteries

2.6.1 Installation of Headstones or Plaques

Only contractors that have an approved application form and have appropriate insurance may install headstones within the cemeteries.

2.6.2 Headstones or Plaques

- All headstones, monuments, structures and plaques, require Council approval prior to erection within a cemetery. The maximum headstone height permitted will be no greater than 1m high. Applications for headstones exceeding this height will be assessed on a case by case basis and the decision will be at the discretion of the Cemetery Curator. Unapproved, unsightly or dangerous headstones, monuments, structures and plaques may be removed by the Council.
- Memorials erected on lawn cemetery allotments shall consist of a headstone only and not exceed a height of 0.84 metres and a depth of 0.3 metres. Headstones may have a maximum width of 1.2 metres.

2.6.3 **Removal of Granite/Marble Slabs and/or Monuments**

Council will not remove granite/marble slabs and/or monuments erected as part of a memorial for the interment of additional bodies or cremated remains. Removal arrangements must be made through a nominated stonemason, as approved by the funeral director carrying out the burial. Removal costs of top stones will be the responsibility of the Funeral Director.

2.6.4 **Ornaments**

- Flowers and wreaths may be placed on sites, but the placement of ornaments, trinkets or tributes on or adjacent to a site is not permitted. The Council has the right to remove any unattached ornament, trinket or tribute, broken masonry, decayed or broken wreath or dead flowers, cut down or remove any plant on any site within the cemetery grounds that is, in the opinion of Council's Cemetery Curator or authorised Council employee, unsightly, offensive or overgrown.
- Where a removed item may, in the opinion of the Council, be of some value to the Interment Right Holder, it will be recorded within the cemetery register and placed in storage for a period of three (3) months from the date of removal.
- Council will (so far as the Interment Right Holder can be located by reasonable endeavours) notify the Interment Right Holder of the items removed from the cemetery. If contact is unable to be made between Council and the Interment Right Holder, after the period of three (3) months from the date of removal, items will be disposed of at Council's discretion.

2.6.5 **Alcohol Containers**

Alcohol beverages and/or containers (full or empty) are not permitted to be placed on sites within the cemetery grounds.

2.6.6 **Plantings**

No plantings on memorials or within the cemetery shall take place, without the prior consent of Council.

2.6.7 **Lighting**

Solar powered lights or spikes on individual sites are not permitted.

2.6.8 **Ownership & Maintenance of Memorials**

The ownership of plaques, monuments and other approved structures remains with the interment right holder. In accordance with Section 41 of the Act, a delegate of the Council may issue a notice on the owner of a memorial requiring repairs, removal or reinstatement of the memorial. While Council is not responsible for the upkeep, repair or maintenance of memorials, Council may grant permission for the upgrading, renew or maintain historical or locally significant memorials by third parties such as the Commonwealth War Graves Commission. Council may lay down headstones when it is observed that it is unstable at the grave site. Council may remove any structure deemed to be unsightly and in poor condition, consistent with Section 41 of the Act, at the owner's cost.

2.6.9 **Power to Dispose of Unclaimed Memorials**

Council may, after giving notice in accordance with Section 42 of the Act, remove and dispose of unclaimed memorials.

2.7 Community Memorial Sites

2.7.1 The Mid Murray Council **manages** over 180 parks, reserves and other areas of public open space. These areas often hold special significance for those that live near them, use or have involvement in their management or maintenance.

2.7.2 Council receives many requests for the placement of commemorative plaques, seats and memorials in public open space. Council will consider the balance between the desire to commemorate events or individuals and the ongoing enjoyment of natural, uncluttered open areas before any decision is made. Any existing plaque, seat or memorial cannot be taken as a precedent for future approvals.

2.7.3 **Memorials and Memorial Plaques**

Council does not endorse the placement or installation of Memorials or Memorial Plaques within parks, reserves or public open spaces.

2.7.4 **Memorial Seats**

Mid Murray Council does not generally support Memorial Seats unless the individual has made a significant contribution to the local area. A written application for the installation of a memorial seat is to be submitted from a club or association operating within the Council that has the support of the deceased family members, detailing:

- the name of the person(s) to be commemorated
- the proposed inscription / text to be used on the plaque
- the preferred location of the seat area
- a summary of the reasons for commemorating the individual (e.g. outlining their service to the community, achievements) and the contribution they have made within the Mid Murray Council area.

- The request will be subject to approval by Council at the next available Council meeting. Successful applicants will be responsible for all costs incurred, including the purchase of the seat and plaque of a standard stipulated by Council..
- The plaque will be sourced through Council's plaque supplier and be made of bronze. Council reserves the right to approve or amend the proposed inscription to be used and the location of the plaque, in consultation with the applicant. Council will also source the memorial seat of a suitable standard for the required location. Payment will be required in full prior to the ordering of the plaque and seat.
- Personal items are not to be placed at or fixed to the memorial seat.
- All reasonable endeavours will be made to maintain and care for the seats, however if the seats or plaques are vandalised or damaged, Council will not take responsibility for the damage. Council may repair or remove the seat if deemed unsafe or irreparable, but any cost associated in the repair or replacement will be the responsibility of the applicant.
- Any memorial plaque and/or memorial seat deemed by the Council to be at the end of its useful life will be removed.
- Any new memorial plaque placed on a memorial seat after 14 July 2020 will only be permitted for a period of 10 years. After this time Council has the right to remove the plaque and/or seat and use the seat for other purposes. Council will notify the applicant (so far as they can be located by reasonable endeavours) of the plaque to be removed from the memorial seat and stored by the Council. If contact is unable to be made, after the period of three (3) months from the date of removal, the items will be disposed of at Council's discretion.
- Council reserves the right to remove the seat and/or plaque, if the seating is situated in an area to be redeveloped or the site changes significantly in character and the item is not deemed suitable for the site.
- No new memorial or plaque will be considered which commemorates a person, event or occasion that is already memorialised within the area, unless there are exceptional circumstances.

2.8 Roadside Memorials

A roadside memorial can be described as an object or image constructed, erected, planted, painted or placed temporarily within the road reserve in honour of family or friends whose lives have been lost on the road or road reserve. In this instance, a roadside memorial does not include a roadside crash marker.

2.8.1 **Studies have found that roadside memorials can:**

- cause distractions to road users
- cause distress to members of the public

- result in visitors stopping at memorials and potentially creating a traffic hazard, especially on points of the road network which have subsequently been identified as an area of increased risk.
- affect the quality of life of nearby residents and adjoining property owners.
- add to the task of maintaining the road verge by increasing the number of obstructions during surface maintenance, such as grading, and result in trimming having to be done by hand
- may frustrate and delay the progress of programmed works which could be further complicated by the need to remove or relocate the memorial; and
- could be an impediment to service providers with assets in the road reserve

2.8.2 Unauthorised Roadside Memorials

The Mid Murray Council understands that these types of memorials are often erected on impulse. It is Council's responsibility to provide a safe and efficient road network for all road users.

Roadside memorials placed in a location where there is risk to road safety will be immediately removed by Council. If the memorial contains any contact details, contact will be made advising that the memorial has been removed and advising that the articles will be stored for 30 days and if not claimed these items will be disposed of in accordance with the Unclaimed Goods Act (SA) 1987. Situations that cause a road safety issue may include but are not limited to be located on, near, attached to, interfere with or obscuring:

- traffic islands, medians or roundabouts
- roadside infrastructure or traffic control devices
- design deflection zone of barrier
- traffic signals
- intersections (including T intersections)
- curves
- urban or rural freeways (including freeway ramps)
- edge of road seals
- road signs
- the edge of shared paths.

Unauthorised roadside memorials that do not cause an immediate risk to road safety, will have a "notice for removal" placed at the site to inform the responsible person that it will be removed within 60 days from the date of the notice. If it has not been removed within the allocated 60 days, Council will remove the memorial and store for a further period of 30 days. If unclaimed, the items will be disposed of in accordance with the Unclaimed Goods Act (SA) 1987.

2.9 Service Fees and Charges

Each financial year Council will review costs for services provided at cemeteries as part of the budget process. These costs are documented in the Mid Murray Council Fees and Charges Schedule, available on the Council's website www.mid-murray.sa.gov.au.

2.10 Neglected Cemeteries

If Council is of the opinion that any non-Council (e.g. church or private) cemetery within the Council area is in a neglected condition or fails to comply with the requirements of the Act, the Council may, by notice in writing, require the cemetery governing body to remedy the conditions of neglect or non-compliance (see Section 46 of the Act).

The governing body on which the notice is issued may apply to the District Court for a review of the decision.

2.11 Authorised Officers

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

2.12 Documentation

To assist in demonstrating that above processes are fair, transparent, accountable, cost effective and meet community needs, all decisions made, procurement undertaken and other related correspondence in relation to the management of Council cemeteries and memorials will be documented and recorded into Council's Information Management System.

2.13 Communication

All staff are to be notified of this Policy and associated Procedures and kept informed of any updates and/or changes. Relevant staff are to be trained in the use of this Policy and associated Procedures.

3. Policy Responsibility

The Director – Corporate and Financial Services is responsible for ensuring the proper operation of this Policy.

4. Availability/Accessibility

4.1 This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: www.mid-murray.sa.gov.au.

4.2 This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

5. Legislative Framework / Other References

5.1 *Local Government Act 1999*

5.2 *Burial and Cremation Act 2013*

5.3 *Burial and Cremation Regulations 2014*

5.4 *Unclaimed Goods Act 1987*

6. Document History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or Council requires.

Version	Adopted	Minute	Description of Change
1	14 July 2020	20988/1	Policy Adopted
2	13 April 2021	21106/2	Policy Review, Modifications to 2.2 Issue of Interment Rights, 2.7 Community Memorial Sites and 2.8 Temporary Roadside Memorials
2	30 March 2023	-	Policy placed on new template, update clause 2.1.3 referenced section of the Act and minor clarification to wording.
3	16 September 2025	C09-25/003	Policy Review, modifications to 2.2.1 Grave Sites, 2.2.6 Cremated Ramins, 2.3.2 Transfer of Internment Rights, 2.6.1 Installation of Headstones & Plaques. Addition of 2.3.3 Surrender of Internment

Version	Adopted	Minute	Description of Change
			Rights, 2.5.7 Exhumation of Bodily & Cremated Remains, 2.7.3 2.7.3 Memorials and Memorial Plaques, 2.13 Communication Fixing of formatting, grammar and spelling mistakes
4	21 April 2026	C04-26/003	Addition of private burial, exclusion.
5	18 August 2026	C08-26/006	Policy review – changes made to ensure uniformity in all cemeteries, changes to 2.5.3 internment notification changed from 3 and 5 days to uniform 5 days for all cemeteries The exclusion of burials on Sundays and Public Holidays for all cemeteries Heading of 2.5.5 amended to reflect consistent wording in policy