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Mingenew Shire Cemetery

Burial Rights | What You Need to Know

The information below on cemetery burial rights and frequently asked questions associated with this important topic is included as a guide only. If you wish for further specific information please contact Belinda Bow, Governance Officer at the Shire of Mingenew on 9928 1102.

Q: What is a Burial Right?

A: When you apply for a burial or reservation of site within our cemetery we will grant you access to a particular grave plot. The grant is referred to as "The Burial Right" or the "Grant of Right of Burial" and confers rights to that particular grave site for a period of 25 years. Proof of these rights is reflected in the Grant of Right of Burial Certificate which has been issued to you.

Q: What do you mean by "Grantee"?

A: The person named on the certificate for the Burial Right is called the Grantee. The Grantee's entitlements under the grant are exclusive.

Q: Does the Grantee own the land where the grave is?

A: No. The grantee's entitlement is limited to access and control of the burial plot described in the certificate.

Q: What entitlements does the Burial Right afford?

A: The certificate grants permission to dig or make a grave on a specific piece of ground and to erect a monument or headstone for a fee. It also affords the right to approve of further internments of ashes or coffins within the plot and the right to allow further monumental works to be conducted. In some situations conflicts can arise and responsibility for the outcome lies with the holder of the Grant. The Grant of Burial Certificate needs to be shown in every case where decisions about the plot are required by council. Therefore please keep it in a safe place.

Q: How many burials can take place in a single plot?

A: All graves at the Mingenew Cemetery are prepared to accept Two (2) burials.

Q: Can the ashes of someone who has been cremated go within the burial plot?

A: Yes numerous ashes internments may be buried within the one plot.

Q: Can anyone place a plaque within a burial plot?

A: No the grantee of that site must give permission to Funeral Director / Council to place a plaque at the grave. We will not take instructions from anyone but the Grantee or an agent nominated, in writing, by the grantee.

Q: If the grantee dies, or is not available, who owns the Burial Right?

A: We regard the Burial Right to be exclusive property of the grantee, ie part of the grantee's estate. Therefore the grantee can & should will the Burial Right to another. If this does not occur then the grantee's executor or heirs or successors would usually administer the Burial Right under these circumstances.

Q: What happens if a Grant expires?

A: When a Grant expires control of the grave plot reverts back to the Shire of Mingenew. Based upon current policies the following conditions would apply.

- a) If the grave was purchased pre-need, had not been used for burial and had since expired, a new Grant of Right of Burial would be required before interment could be arranged.
- b) If the plot was to be used for further interments a new grant would be required.
- c) If monumental works and repairs were to be undertaken and the Grant had expired then a new grant would be required.

Please note that the Shire is under no obligation to maintain individual plots and carry out repairs to individual monuments or headstones. The Shire also has the right to remove monuments in disrepair.

Please note that all works to be done to grave plots after the initial burial require Shire approval and are associated with fees. Forms are available from the Shire Administration building. Please contact the Shire of Mingenew if you have any questions or require further information.