

Interment rights in New South Wales

Burial or interment of human remains (including cremated remains) can be either directly in the ground or above ground (in a mausoleum, vault, columbarium, niche wall or other structure designed for this purpose). All options require an interment right.

An interment right is a contract with a cemetery operator that allows interment to take place in a particular location in a cemetery.

The right is 'purchased' and the holder of the interment right is the only person able to choose who can be interred at the site.

In NSW there are two types of interment rights:

- **perpetual interment right** allows for remains to be left in place forever
- **renewable interment right** allows for remains to be left in place for a limited period, between 25 and 99 years.

Holding and transferring rights

Joint holders and multiple burials

It is possible for an interment right to be jointly held by two or more people so they can be buried at the same or adjoining sites. If one joint holder dies, the right passes to the remaining holder.

It is also possible for one rights holder to request a site be used for multiple burials, for example members of the same family. When purchasing a site that will be used for two or more interments, the right holder should be specific about who can be interred at the site.

Application to transfer

An unused interment right can be transferred to another person. If the right is held by joint holders, the transfer application must be made by both holders. There may be a transfer fee, so it is important to check with the cemetery operator.

The cemetery operator may refuse a transfer if (in their opinion) the transfer would tend to create a monopoly or encourages dealing in interment rights.

Bequest of a right

An interment right can form part of a personal estate and be bequeathed, if it has not been used.

Certificate of interment right

A cemetery operator must issue a certificate every time an interment right is granted, renewed or transferred.

The certificate must contain:

- the name of the person granted the right
- the location of the interment site
- whether the right is perpetual or renewable
- the number of persons whose remains can be interred
- the names of the people who can be interred, or the name of a person that can nominate whose remains can be interred
- the calculation for the renewal fee.

Some cemetery operators will issue a contract note when an interment right is purchased. This may form part of the certificate or be separate.

Revoking a perpetual interment right

A perpetual interment right must be used by the right holder within 50 years of purchase. If it is not used within this period, a cemetery operator can revoke the interment right.

Before revoking an interment right, the cemetery operator must make every effort to contact the interment right holder (including via registered mail, notices in the NSW Government Gazette and in a newspaper).

The holder can decide to retain or sell the interment right, in negotiation with the cemetery operator.

More information

Cemeteries & Crematoria NSW is a statutory body created under the *Cemeteries and Crematoria Act 2013*, providing a strategic and coordinated approach for operators providing interment services in NSW.

For general information visit the website at www.industry.nsw.gov.au/ccnsw

Email: ccnsw.info@cemeteries.nsw.gov.au

For more detailed information please contact your preferred cemetery or crematoria operator.

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