

Renewable interment rights

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

Interment rights have also been known as burial rights, burial licences, grants or interment licences.

In NSW there are two types of interment rights; perpetual or renewable. This quick guide only references renewable interment rights—there is a separate guide for perpetual rights.

Renewable rights are not mandatory and are not offered at all cemeteries. You should make an informed choice about whether a perpetual or renewable right better suits your circumstances.

Renewable interment right

A renewable interment right allows for remains to be left in place for a limited period:

- a minimum of 25 years, and up to 99 years for non-cremated remains (burial)
- any time up to 99 years for cremated remains.

A renewable interment right commences on the day it is granted. The right can be renewed, for a minimum of five years each renewal. However a renewable right can only be held for a total of 99 years.

Expiry of a right

Twelve months before a renewable right expires, the cemetery operator must attempt to contact the holder of the interment right.

The holder can renew the right if it has been held for less than 99 years. The right holder has up to six months after the expiry date to renew the right.

If a right is not renewed, the cemetery operator can re-use the site after two years from the expiry date.

Benefits

Renewable interment rights are more sustainable and make better use of existing cemetery space.

Burial sites across the greater metropolitan Sydney area are expected to reach capacity within the next 30–40 years, and much sooner in some of the oldest cemeteries.

Renewable rights were formally introduced in NSW in 2018. Some operators sold interment rights of limited period before 2018, but all interments sold before 2018 are taken to be perpetual, unless the original term specifies otherwise.

NSW is not the only place with renewable interment rights. Western Australia relies only on renewable rights. Renewable rights are more common than perpetual rights in South Australia. Renewable rights are also common in various European countries.

Certificate of interment right

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

The certificate of a renewable interment right must make clear that the right is renewable. It must also contain the:

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

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

Register of interment rights

The cemetery operator keeps a register which includes all the contact details of interment right holders and secondary contacts.

It is important that contact information on a cemetery operator's register is kept up to date.

It is the responsibility of the interment right holder to inform the cemetery operator of any change in contact details.

Re-use of a site

There are strict requirements about re-using burial sites.

Cremated remains will be returned to the right holder or scattered in the cemetery.

Burial sites containing non-cremated remains can only be re-used if the remains:

- have been buried for at least 25 years
- are in a condition that allows placement in an ossuary box.

Remains, once placed in an ossuary box, will either be re-interred at a greater depth or placed in an ossuary house.

Sites that cannot be re-used

Certain burial sites cannot be re-used, including where the:

- memorial is of local or state heritage significance
- memorial relates to a grave listed by the Office of Australian War Graves
- grave is of a person who died from a prescribed infectious disease.

Removing memorials

Memorials must be removed prior to a site being re-used however this can only occur after a notification process has been followed.

Before removing a memorial, the cemetery operator must take reasonable steps to contact the right holder and the secondary contact, including via registered mail, notices in the NSW Government Gazette and in a newspaper.

Operators must keep any removed memorial for five years.

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 operator.

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