



GUIDES | CEMETERIES & CREMATORIA NSW

General consumer guide to interment rights in NSW



Photograph: Nyrang Creek Cemetery © Cemeteries and Crematoria NSW

Published by Cemeteries & Crematoria NSW

General consumer guide to interment rights in NSW

First published January 2019

ISBN (print) 978-1-76058-118-3

ISBN (web) 978-1-76058-119-0

More information

Cemeteries & Crematoria NSW, Parramatta, Sydney

industry.nsw.gov.au/ccnsw

Acknowledgments

Catholic Cemeteries and Crematoria, Southern Metropolitan Cemeteries Trust, Lake Macquarie City Council

Cover image: Eastern Suburbs Memorial Park, Sydney

© State of New South Wales through Department of Industry 2019. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Industry as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (January 2019) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Industry), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

Foreword.....	1
Purpose of this guide	2
Burial and cremation	4
Burial.....	4
Cremation.....	4
Aquamation.....	5
Consideration for larger body sizes	5
Legal requirements.....	5
Requirements specific to burial	5
Requirements specific to cremation	6
Operator registers	6
Organ donation	7
Interment rights system.....	8
Perpetual interment rights.....	8
Revocation of a perpetual interment right.....	8
Renewable interment rights	9
The timeline for a renewable right.....	9
Joint holders and family graves	10
Transfer or bequest of an interment right.....	10
Bequests.....	11
Certificate of interment right.....	11
Interment of Indigenous Australians	12
Interment of persons without means	13
Services, costs and fees	14
Deciding in advance	14
Pre-paid interment	14
Contributory or pre-paid funeral funds.....	14
Service providers.....	14
Funeral directors	15
Costs and fees	15
Burial costs	15
Cremation costs.....	16
Exhumation.....	18
Body donation.....	19
Complaints and resolution.....	20
Glossary of key terms	21
Frequently asked questions	23



Foreword

Cemeteries & Crematoria NSW (CCNSW) has developed this consumer guide to help the general public understand the interment rights system in New South Wales (NSW). The system, which commenced on 25 June 2018, provides certainty and clarity about interment rights for the community and ensures a standardised set of arrangements for managing interment rights, while recognising and protecting all existing burial and interment licences previously granted.

The option of renewable interment is permitted for those persons who may wish to consider this alternative. This is, however, a voluntary decision.

Often decisions regarding interment occur at a time of stress and are taken at need, hence this guide also includes basic information to assist readers with:

- understanding the legal requirements for burial and cremation
- options that could be considered for interment
- costs and fees for burial and cremation
- commonly used terms in the interment sector
- suggested sources for further information that may be helpful.

The consumer guide will be periodically updated and revised to ensure it remains relevant and useful for community.

Dr Stepan Kerkyasharian AO, Chair, CCNSW Board

Purpose of this guide

Decisions on interment are often made at a time of stress, but we hope that consumers will increasingly pre-plan and discuss their preferences with family, as well as specify their wishes in their will. This consumer guide explains interment in NSW to assist consumers with these discussions and decisions.

There are a number of providers in the interment industry:

- cemetery operators
- crematorium operators
- funeral directors
- other service providers such as funeral celebrants (depending on the services offered).

Table 1 sets out the types of services these providers can offer.

This guide includes information on:

- choosing between burial and cremation
- the interment rights system (the difference between perpetual and renewable interment rights)
- the range of service providers and common costs and fees
- options that recognise cultural and religious practices and beliefs.

This guide does not provide detailed information on funeral services. More information on that aspect can be provided by industry bodies such as the Australian Funeral Directors Association (NSW & ACT), NSW Funeral Directors Association, Funeral Celebrants Association Australia, or NSW Fair Trading.

The 'Frequently asked questions' section at the end of this guide answers the most common questions relevant to interment options.

Table 1. Interment industry providers and services

Provider	Services
Cemetery operator	<p>Services can include:</p> <ul style="list-style-type: none"> • burial plots or in-ground graves • crypts in a mausoleum • niches in a columbarium • monuments • places to scatter cremated remains • vaults, urns, and openings and closings of graves, niches or crypts • cremation gardens and family estates. <p>There are different types of cemeteries, including:</p> <ul style="list-style-type: none"> • public cemeteries that are either managed by Crown reserve trusts or local government • private cemeteries offered by commercial operators • community cemeteries that can be associated with places of worship or family owned land • church cemeteries which are normally the responsibility of the relevant diocese or parish councils.

Provider	Services
Crematorium operator	<p>Services can include:</p> <ul style="list-style-type: none"> • chapel services, viewing, witness allocation • cremation • viewing of cremation • monuments and urns.
Funeral director	<p>Services can include:</p> <ul style="list-style-type: none"> • transporting the deceased from place of death to a mortuary • mortuary care, preparation, dressing of the deceased, placement in a coffin • obtaining medical cause of death and application for cremation (if required); certificates from the hospital, treating doctor or coroner • completing and lodging death registration forms with the Registrar of Births, Deaths and Marriages • obtaining an original certified death certificate from the Registrar of Births, Deaths and Marriages for later use by family or solicitor • placement of notices in newspapers • liaising with clergy or funeral celebrant • organising booking times with church, cemetery or crematorium • organising floral arrangements, church booklets, musicians etc. • conducting the funeral service • options for virtual memorials.
Other service providers	<p>The services provided by a funeral director can also be provided by civil funeral celebrants, community cooperatives and not-for-profit organisations.</p>

Burial and cremation

When it comes to interment, the major decision most people need to make is choosing between burial and cremation. In NSW, cremation tends to be more popular in regional areas, with burial a stronger preference in metropolitan centres.

When deciding between these options, things to consider include:

- any religious, cultural or family beliefs or practices
- financial costs and fees (including one-off versus ongoing costs)
- the land space required to memorialise the deceased
- the preferred location for the deceased's remains.

Burial

There are a range of burial options available:

- **Lawn burial**—a lawn cemetery is a field of manicured grass with each grave site marked by a commemorative plaque or headstone. Some lawn cemeteries have restrictions on memorials (limiting the size of the plaque or headstone and the type of memorial items that can be placed at the burial site). Other lawn cemeteries cater for monumental lawn graves that allow more substantial memorials.
- **Mausoleum**—a small building constructed as a tomb for interment of many individuals, often used for a single family.
- **Monumental burial**—a traditional burial with monuments (such as a headstone). This also encompasses a full monumental burial, which is a traditional burial with monuments covering the burial site (such as granite or marble).
- **Natural (or green) burial**—a burial in a bushland environment. The body must be prepared without chemical preservatives and either be wrapped in a shroud or contained in a biodegradable coffin or casket. Memorial features are often limited, for example no headstones, monuments, artificial wreaths or tributes can be put on the burial site. Some natural burial cemeteries may have a commemorative feature (away from individual burial sites) that records the names of those interred.
- **Private land burial**—a burial on private land. There are strict legal requirements for private land burials (see more information below under 'Legal requirements').
- **Sea burial**—a burial at sea. There are strict legal requirements for sea burials (see more information below under 'Legal requirements').
- **Vault**—an above-ground structure made from materials such as brick or concrete that can house usually between 12–16 interments.

Not all of the above options are available at all cemeteries—cemetery operators can provide information about what options are available.

Cremation

Cremation converts a body into ashes and a significant proportion of interments in NSW involve cremation. Note that open funeral pyres are not legal in Australia.

There are numerous ways to store or distribute ashes, including:

- burying the ashes in a burial plot (this does not require a full-sized plot)
- placing the ashes in a columbarium (wall-niche)
- keeping the ashes (for example in a cremation urn by family or a friend)

- scattering the ashes at a cemetery
- scattering the ashes in a public place, such as a park or waterway.

Aquamation

Aquamation is a recent service that provides an alternative to cremation. The process uses a combination of water flow, temperature and alkalinity to bio-cremate the deceased, leaving only the bones, which can be ground into ashes. Currently, there is little availability of aquamation in NSW.

Consideration for larger body sizes

Over the past 20 years, the general population has been increasing in height and weight. Interment services and products cater for a range of sizes of people. For certain large body sizes (often referred to as bariatric clients), the interment industry has available; oversized or double-sized coffins, large graves for burial, and at crematoria, large doors for the cremation units and the use of higher temperatures.

Even with these modifications there may be instances where cremation is not an appropriate option. If there is concern regarding body size, this can be discussed with the service provider (such as a funeral director and cemetery operator) to find the best choice.

Legal requirements

A number of legal requirements must be met before a body can be buried or cremated. In many instances your service provider (such as a funeral director) can assist in navigating this process.

Legal requirements common to burial and cremation:

- A medical certificate for cause of death or a coroner's order must be issued.
- The body must be placed in a coffin or casket, with the lid of the coffin securely sealed before burial or cremation. Exceptions can be granted by NSW Health for community, cultural or religious reasons, for example to allow the body to be wrapped in a shroud and placed in direct contact with the earth without a coffin.
- The body must be buried so that the upper surface of the coffin is no less than 900 millimetres below the natural surface level of the ground above.

Requirements specific to burial

- The body must be buried at a defined depth of 900 millimetres. However, NSW Health can permit shallow burials, which must be a minimum of 400 millimetres below the natural surface level of the soil, with the body placed in a coffin or casket.
- If an above-ground vault is used, the body must be embalmed and hermetically enclosed within a coffin or casket (with approved coffin liner material).
- For private burials:
 - the private land must be five hectares or more in area
 - the burial site location must be approved by the local council (this will likely require the site to be surveyed and council will consider public health and environmental impacts)
 - the body must be buried in a securely sealed coffin or casket at a minimum depth of 900 millimetres below the natural surface depth of the soil (a geotechnical investigation might be needed to identify issues such as rock outcrops or floaters and the depth of the water table)
 - if the land is sold, the new owner of the land is required to allow access to the grave by mourners (a restrictive covenant on the land would guarantee this access).

- For burials at sea:
 - the burial must occur at a water depth greater than 3,000 metres
 - a permit must be completed and approved by the Department of the Environment and Energy (visit: environment.gov.au and search for 'burial at sea').

More information about the legal requirements for burials is available from NSW Health (visit: health.nsw.gov.au and search for 'burial').

Requirements specific to cremation

- Certain permissions, certifications and permits are required before a body can be cremated. The service provider will likely assist you through this process. Requirements include:
 - application for a permission to cremate, usually by the executor of the will or the next of kin
 - a cremation certificate, which confirms that there were no suspicious circumstances to the death and that the deceased was not opposed to being cremated—this is usually issued by the doctor that issued the medical certificate for cause of death
 - a cremation permit, usually issued by the above doctor after a medical referee inspects the body and checks that the doctor's certificate is correct (a coroner can also issue a cremation permit).
- A crematorium operator is not required to accept a body that has not been delivered by a funeral director. In these cases, the operator might request approval from NSW Health before accepting the body.
- The name plate of the deceased must remain with the deceased throughout the cremation process.
- Crematorium operators are required to either:
 - provide ashes to the applicant (usually the next of kin)
 - dispose of the ashes according to directions
 - keep the ashes for a minimum of 14 days and if unclaimed, then dispose of the ashes in a burial ground (such as scattering) or in adjoining land reserved for the burial of cremated remains
- Scattering of ashes will likely require approval, for example by local council if at a public park or waterway. Not all religions or faiths approve of the scattering of ashes, so if in doubt consult with your faith or religious leader.

More information about the legal requirements for cremation is available from NSW Health (visit: health.nsw.gov.au and search for 'cremation').

Operator registers

All cemetery operators must maintain a public register of all people buried within the cemetery.

All crematorium operators must maintain a public register of all people cremated at the crematorium. A crematorium operator must also keep all the associated forms relevant to a cremation for a minimum of 15 years.

Organ donation

The decision to donate organs generally does not affect whether the deceased can be buried or cremated—it might impact on body donation in some circumstances.

The Australian Organ Donation Register is a national register allowing individuals to elect their preferences about organ donation. Consent to organ donation is a legal requirement, and the register allows individuals to document that consent or otherwise. The register can be accessed by authorised medical staff at the time of a person's death.

Discussing organ donation with your family is important because family members will be asked to confirm the decision of the deceased before organ donation proceeds. You can leave instructions about organ donation in a number of ways: for example through a will, or a memorandum of wishes or other instructions to an executor or family members.

More information about organ donation is available from the Australian Organ Donor Register (visit: register.donatelife.gov.au).

Interment rights system

The term 'interment of human remains' means:

- the burial of human remains in the earth (either directly in the earth or in a container)
or
- the placement of human remains in a mausoleum, vault, columbarium or other structure designed for that purpose.

Interment can apply to human remains whether cremated or not. For example, the right can apply to a full-body grave or a space in a mausoleum, vault, columbarium, memorial wall or other structure (a space for ashes is usually called a niche).

An interment right is a contract with a cemetery operator allowing interment at a particular location. When you 'buy' a site, you do not purchase a piece of land. Instead, you purchase the right to have remains interred in a particular location. An interment right is not required for scattering cremated remains in a cemetery.

Interment rights can be either:

- perpetual, allowing the remains be interred forever
or
- renewable, allowing the remains be interred for a limited period.

The holder of the interment right is the only person who can instruct who can be interred in the site. No person can hold more than two interment rights in the one cemetery in NSW, unless approved by CCNSW. An interment right can be held by two or more people as joint holders so they can be interred together (see the section 'Joint holders and family graves').

Interment rights can be transferred to another person, including back to the cemetery operator (see the section 'Transfer or bequest of an interment right').

Perpetual interment rights

A perpetual interment right allows the holder to have human remains interred in a particular location forever.

The cemetery operator will provide a certificate of the interment right to the holder which will also specify the location details of the burial site within the cemetery. The right is passed down to descendants of the original holder. It is the responsibility of each right holder to inform the cemetery operator of any change in contact details, so the operator can update their register.

Perpetual interment rights can be transferred or bequeathed (see the section 'Transfer or bequest of an interment right').

All interment rights granted before 2018 are taken to be perpetual rights, unless the terms of the sale specify otherwise. Since 2018 consumers have had a choice of perpetual or renewable rights (depending on what is available at the particular cemetery). The interment right certificate will clearly state which type of interment right the holder has.

Revocation of a perpetual interment right

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

Before revoking a perpetual interment right, a cemetery operator must take reasonable steps to contact the holder of the interment right:

1. The operator must send a notice to the registered owner of the site by registered post. The notice must advise of the intent to revoke the right.

2. If no response is received within 28 days, the operator must send a second notice by registered post to the same person/s and also to any secondary contacts identified in the cemetery operator's register.
3. If no response is received, the operator must publish an advertisement in the NSW Government Gazette and a state-circulated newspaper. The advertisement must also be displayed at the cemetery. The advertisement must identify the interment site and the name of the right holder.
4. If there is no response to the advertisement within six months, the operator must send a final notice to the registered interment right holder, allowing 28 days for a response.

At any time, before or during the notice period, an interment right holder can negotiate with the cemetery operator to either keep or sell the perpetual interment right.

Renewable interment rights

A renewable interment right allows the holder to have human remains interred in a particular location for a limited period, up to a maximum of 99 years.

The initial term for a renewable right must be:

- At least 25 years and no greater than 99 years for non-cremated remains
- any period up to 99 years for cremated remains.

Renewable rights are voluntary and entirely optional. Renewable rights are not available at all cemeteries.

The cemetery operator will provide a certificate of the interment right to the holder.

Renewable interment rights can be transferred or bequeathed (see more information under 'Transfer or bequest of an interment right').

Renewable interment rights were formally introduced in NSW in 2018. Some cemeteries sold interment rights of limited duration before this, but the sale terms were specific. From 2018 consumers have a choice of perpetual or renewable rights (depending on what is available at the particular cemetery). The interment right certificate will clearly state which type of interment right the holder has.

Renewable interment rights are not unique to NSW. In Western Australia all interments are renewable with a limited period. Both South Australia and Victoria offer renewable interment rights (in addition to perpetual rights).

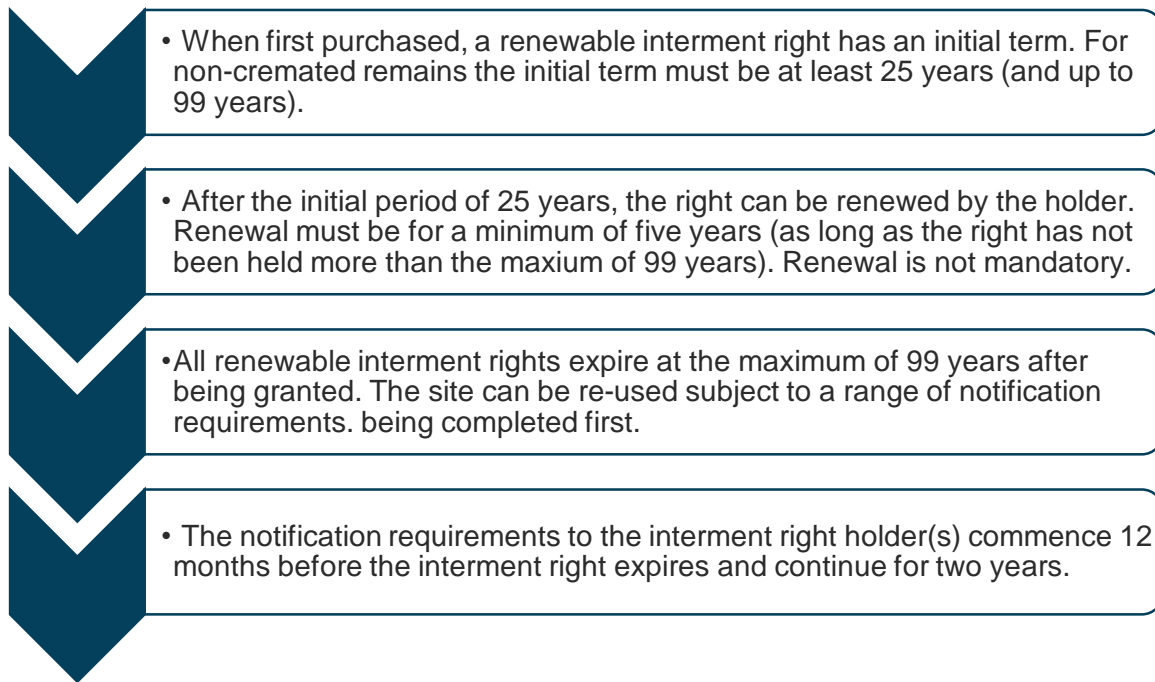
The timeline for a renewable right

A cemetery operator must attempt to contact the right holder 12 months before the end of the initial period to offer renewal of the right. The holder has six months to renew a right after the expiry date. If the right is not renewed it will revert to the cemetery operator for reuse in the future.

Any renewal of the interment right will incur costs that the cemetery operator must disclose to consumers.

There are strict requirements for the re-use of interment sites:

- Any remains must be removed from the site and placed in an ossuary box.
- The remains must be either:
 - re-interred at a greater depth
 - placed in an ossuary house
 - in the case of cremated remains either returned to the right holder or scattered in the cemetery.
- If a memorial is removed, it must be held so that family members can claim it.
- Only unclaimed memorials can be disposed of.

Figure 1. Timeline for a renewable interment right—a simple example

Joint holders and family graves

An interment right can be held equally by two or more joint holders, allowing them to be interred at the same, or adjoining sites. When one joint holder dies, the remaining right holder/s becomes the holder/s of the right.

Multiple interments are widely used in NSW, with many sites containing numerous members of the same family. One of the advantages of a family grave is that it removes the need for new grave sites, making maintenance easier. Current technology and practices allow up to four burials in some sites depending on a range of factors including soil type, depth of bedrock, drainage, style of monument, access, and workplace health and safety considerations. A cemetery operator can advise about available space for a family grave and explain the particular requirements that apply to that cemetery.

There are a number of techniques that make multiple interments possible. One is the 'lift-and-deepen' method where the gravesite is excavated to its greatest depth. All the remains are placed in a suitable vessel and reburied at a lower depth so that additional burials can take place in the upper levels of the grave. This process is only allowed after a minimum time has passed since the last burial, usually about 10 to 15 years. This method is not offered by all cemetery operators.

When purchasing an interment right to be used for two or more interments, the right holder should be specific and name who can be interred in the site. A second interment cannot be on-sold by individuals or operators.

Transfer or bequest of an interment right

Interment rights can be transferred to another person. Only the holder can apply for the transfer. If the interment right is held by joint holders, the application must be made by all right holders.

A transfer application compliant with cemetery rules and the law must be made to the cemetery operator. The operator has the right to refuse the transfer if (in the operator's opinion) it would tend to create a monopoly or encourage dealing in interment rights. Check with the cemetery operator whether they charge a transfer fee, so it is important to check with the cemetery operator.

When an interment right is transferred, the cemetery operator must update its register with the details of the new holder. The operator must issue a new certificate of interment right to the new holder.

Bequests

An unused interment right can be bequeathed as part of a personal estate. If the holder dies and has not used or bequeathed the interment right, it forms part of the estate.

In these cases, the new holder should contact the cemetery operator so that their register can be amended. The operator must provide the new holder with a new certificate of interment right.

If the holder of an interment right dies and has not used or bequeathed the interment right, it is dealt with as the personal property of an intestate estate (that is a deceased estate with no legal will).

Certificate of interment right

When a person buys or receives an interment right, the cemetery operator must provide a certificate of the interment right to the holder. The certificate must include:

- whether the right is perpetual or renewable
- the name of the person granted the right
- the location of the interment site
- 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.

Cemetery operators are required to keep a public register of all interment rights.

Interment of Indigenous Australians

Aboriginal and Torres Strait Islander peoples have inhabited Australia for millennia, and their cultures, laws, ceremonies and connection to the land is strong and enduring.¹

While communities may share common beliefs, there is no 'standard' death ritual or funeral practice observed by all Indigenous Australians. Cultural practices can vary widely between different communities, and individuals might also have their own preferences. For example, some people will prefer interment on country or in cemeteries run by Local Aboriginal Land Councils. Cremation is also gaining acceptance (depending on individual preference).

Where native title over land has been recognised, the native title holders may have rights to perform traditional ceremonies on the land, including burials. An indigenous land use agreement can be made even if native title has not yet been settled and may provide for burials of Indigenous people.

The NSW Office of Environment and Heritage keeps the Aboriginal Sites Register. The register is used to protect Aboriginal heritage sites including former missions, reserve cemeteries and lone Aboriginal gravesites.

¹ Reconciliation Australia at: www.shareourpride.org.au/sections/our-shared-history/ accessed 18 October 2018.

Interment of persons without means

When a person is without means, they do not have sufficient money or assets to pay for a burial or cremation (this was previously referred to as 'destitute' and can also be referred to as 'indigent').

Some communities or faiths will make interment arrangements for persons without means. In these cases, advice can be sought from the relevant community group or religious/faith leader.

In other cases, the interment arrangement for a person without means is the responsibility of a funeral director contracted by the government. If the deceased is buried, the remains will be interred in an unmarked common grave. If the deceased is cremated, the ashes will be placed in an urn and stored (if not claimed by next of kin). NSW Health can direct a cremation if:

- there is no objection to cremation in the deceased's will
- any relatives or friends agree, in writing, to the cremation
- there are no contrary directions by the State Coroner
- all necessary cremation certificates are completed.

The next of kin (if known) are obliged to advise the funeral director of the deceased's personal details so the death can be registered. If no next of kin are found, any available person with knowledge of the deceased can provide this information.

More information on cremation or burial for a person without means is available from NSW Health (visit: health.nsw.gov.au and search for 'destitute persons').

Services, costs and fees

Deciding in advance

Some people decide to plan their final resting place in advance so their final wishes are known. You can decide on a range of matters, including:

- whether you wish to be buried, cremated or entombed
- giving specific instructions for your memorial, like selecting the epitaph.

Thinking about these matters in advance means you have time to consider the range of options and discuss your preferences with your family and friends. This can help reduce the stress felt by your family and friends—they can be sure that the interment arrangements are as you wanted.

When you have decided, you can leave instructions in a number of ways, for example through a will, a memorandum of wishes or other instructions to an executor or family members.

If you are arranging burial or cremation on behalf of a family member or friend, consider any preferences they had. You might have to consider the specific cultural or religious beliefs of the deceased. You can consult with religious or faith leaders on these matters.

Pre-paid interment

Pre-paid interment is available. There are some advantages to paying for a final resting place and associated services in advance, including:

- protecting against future price increases
- protecting surviving family members from financial burdens
- having the opportunity to secure a specific location
- being able to inter family members together (subject to limitations).

When considering pre-payment for interment, it is important to know exactly what you are purchasing, including the terms of sale and the cancellation policy. Matters to note include:

- the terms may differ if you die interstate or overseas
- generally costs are not one-off, and additional fees might be payable depending on the circumstances
- not all agreements include the cost for a memorial, headstone or plaque.

If possible, a visit to the site can reassure you that the location is acceptable and any restrictions on memorials meet your needs.

If you are on a pension, cemetery plots do not impact pension payments as they are not counted as assets.

Contributory or pre-paid funeral funds

Contributory and pre-paid funeral funds are two ways you can cover funeral costs.

More information about these funding arrangements is available from NSW Fair Trading (visit: fairtrading.nsw.gov.au and search for 'funeral funds').

Service providers

Some arrangements can be made by the family of the deceased. However, there are certain procedures required by law that are more easily carried out by appropriately experienced service providers; funeral directors, funeral celebrants, and religious or faith leaders in conjunction with cemetery and/or crematoria operators.

For example, NSW laws cover matters such as:

- organ donation
- the investigation of a death
- certificates and permits (including the death certificate)
- body donations
- the disposal and handling of bodies
- exhumations
- cremations.

There may also be regulations specific to your local government area. It is therefore important to understand all the obligations before opting to manage interment matters without the involvement of a suitable service provider.

Funeral directors

Even a simple funeral will have some basic requirements. It is important to understand what services are provided by a funeral director.

General information and guidance about funeral directions is available from NSW Fair Trading (visit: fairtrading.nsw.gov.au and search for 'funeral directors').

Funeral directors must provide information about funeral goods and services as shown in the Funeral Information Standard, available from NSW Fair Trading (visit: fairtrading.nsw.gov.au and search for 'funeral information standard').

Costs and fees

In general, there are no standard fees and charges for burials and cremations in NSW. Costs are set by operators and vary significantly throughout the state. Charges depend on factors including:

- location of the cemetery (metropolitan, regional or rural)
- level of demand
- the choice of interment within a cemetery (e.g. lawn or monumental)
- the choice of memorials.

Interment fees cover a range of activities including administration, recording-keeping obligations and site preparation and management (including the opening and closing of a grave).

Before entering into a contract or agreement, ensure you receive an itemised quote and that you understand each item. The quote may include any future costs and the cancellation or refund policy.

This is a stressful time for families and sometimes there can be misunderstandings about which fees have been paid and which are still outstanding. If at any time you are unsure of outstanding expenses, seek clarification from your cemetery or crematorium operator.

Burial costs

There is no standard cost for burial across NSW. Costs can vary between metropolitan and regional areas. If possible, compare quotes from a few different cemeteries to make an informed choice.

There are generally three main components to burial costs:

- **Interment right fee**—this is a sale fee for the right. As discussed above, interment rights can be perpetual or renewable. This fee covers the operator's costs of preparing the site as well as maintaining the site and surrounding area. Some cemetery operators offer ongoing maintenance for an annual fee.

- **Burial fee**—this is a fee for the burial process. This covers the operator's costs of opening and closing a grave and landscaping after the burial. After-hours fees may apply for burials outside of normal business hours, for example burial fees are often higher on Saturdays, Sundays and public holidays.
- **Memorialisation fee**—this is a sale fee for a memorial (for example a headstone, plaque or other monument or memorial) and generally includes having it inscribed and erected at the site.

Burial costs can be offered in a package, for example some operators offer a package that includes the site, interment fee and memorial.

There can be a range of additional fees on top of the basic costs, for example:

- the cost of using a casket-lifting device
- the cost of bottom sand-filling
- administrative charges
- the cost of grave digging
- the cost for processing an application for memorialisation
- installation of a memorial
- engraving a plaque
- a one-off maintenance fee
- late payment fees
- surcharge for individuals who reside outside the local government area.

Table 2 provides some indicative burial costs for metropolitan compared to regional and rural NSW.

Cremation costs

As with burial, there is no standard cost for cremations across NSW. It can depend on how ashes will be stored and how ashes will be managed (whether scattered or placed in a niche). If possible, compare quotes from a few different cemeteries/crematoria to make an informed choice.

There are generally four components to cremation costs:

- the cremation
- a niche for the ashes in a garden, columbarium or burial site
- placement of the ashes
- a memorial or plaque.

Ashes can be kept in an urn (or similar) by the family, or be scattered.

Many crematorium operators also offer a 'no service, no attendance' cremation, which can reduce the cost.

Some cemetery and crematorium operators offer packages, for example a complete package that includes cremation, chapel, single niche, interment and memorial plaque.

Additional fees may apply for cremations outside of normal business hours, for example fees are often higher on Saturdays, Sundays and public holidays.

Table 3 provides some indicative cremation costs for metropolitan compared to regional and rural NSW.

Table 2. Indicative cost ranges for burial in metropolitan, regional and rural NSW (2018, from public sources)

Burial costs*	Indicative ranges for costs—Metropolitan	Indicative ranges for costs—Regional and rural
Interment fees	Starts at \$180 and upward	Ranges from \$300 to \$1,000 (approx.)
Lawn burial plot	Ranges from \$2,400 to \$19,000 (single) up to \$38,000 (double) (approx.)	Ranges from \$800 to \$4,700 (approx.)
Monumental grave	Ranges from \$3,200 to \$21,000 (single) up to \$39,700 (double) (approx.)	Ranges from \$1,150 to \$4,800
Full monumental grave	Ranges from \$43,000 (single) to \$86,000 (double) (approx.)	Ranges from \$1,100 upwards
Memorialisation	Ranges from \$2,000 (small) to \$13,000 (family) memorial	Starts at \$800 and upward

Table 3. Indicative cost ranges for cremation in metropolitan, regional and rural NSW (2018, from public sources)

Cremation costs^	Indicative ranges for costs—Metropolitan	Indicative ranges for costs—Regional and rural
Adult cremation	Ranges from \$600 to \$2,600 (approx.)	Ranges from \$700 to \$2,600
Interment right (ashes niche)	Ranges from \$240 to \$7,500 (double) (approx.)	Ranges from \$300 to \$790 (approx.) (single) up to \$3,600 (double)
Niche wall plaque	Ranges from \$170 to \$930	Ranges from \$300 to \$680 (approx.)
Placement of ashes	Ranges from \$230 to \$630 (approx.)	Starts at \$240 and upward
Memorial plaque	Ranges from \$250 to \$900 (approx.)	Ranges up to \$400
Allotment, ashes interment, memorial plaque, maintenance (package)	Ranges from \$1,500 to \$6,000 (approx.) Family up to \$19,800 (approx.)	Ranges from \$1,400 to \$2,000 (approx.)

* Additional fees may apply for burials outside of normal business hours, for example burial fees are often higher on Saturdays, Sundays and public holidays.

^ Additional fees may apply for cremations on weekends and public holidays. For example, on Saturdays an additional charge of between \$300 and \$2,000 and for Sundays an additional charge of up to \$4,000.

Exhumation

Exhumation is the removal of remains from a grave or vault. Exhumations can be approved for a variety of reasons, including:

- the family of the deceased want the remains to be moved to another site (for example overseas)
- a Coronial order for forensic (criminal) investigation
- redevelopment of a closed cemetery
- the construction of new infrastructure such as a road or airport that impacts the cemetery.

There are strict public health regulations for exhumation. A body can only be exhumed once an order to exhume has been approved by the Secretary of NSW Health. An application for exhumation can be made by:

- an executor of the estate of the deceased
- the next of kin of the deceased
- if there is no executor or relative available to make the application, a person who, in the opinion of NSW Health, is a proper person to make the application.

An application for exhumation must be made on an approved form and accompanied by a certified copy of the death certificate. The applicant must complete a statutory declaration that certifies the relationship between the applicant and the deceased. If known, the applicant should specify if the deceased had particular wishes regarding the disposal of their body. An application fee and cemetery fee will usually apply.

More information on exhumation can be obtained from NSW Health (visit: health.nsw.gov.au and search for 'exhumations').

Body donation

For body donation, the whole body is usually required, with all the organs intact and all the main blood vessels. Generally, the body needs to be delivered to the relevant university, hospital or medical research facility within 24 hours of death. This means that the memorial service for the deceased will likely happen without the presence of the body (unlike a typical funeral service).

There are stringent requirements for body donation and it is not possible for everyone. However, if you are interested in body donation you can register as both an organ donor and body donor on the Australian Organ Donor Register (visit: register.donatelife.gov.au) to ensure the maximum lifesaving benefits for others.

When a body is donated to science it can be used:

- for medical education and research
- to produce anatomical specimens
- for surgical training.

The first step in donating your body to science is to contact a university, hospital or medical research facility. The relevant organisation or NSW Health can be contacted for more information on becoming a body donor.

Complaints and resolution

If you have an issue or complaint with a cemetery or crematorium operator or a funeral director, contact them in the first instance (preferably in writing). They will attempt to resolve the matter. If the issue cannot be resolved, you can refer the complaint (depending on the issue) to relevant agencies as listed in Table 4. For complaints concerning funeral directors who are members of the Australian Funeral Directors Association (AFDA), the Association has a complaints system in place.

Table 4. Contact details for different agencies that deal with interment service issues

Agency	Matters dealt with	Contact details
Cemeteries & Crematoria NSW	Complaints that an operator has not met: <ul style="list-style-type: none"> • CCNSW codes of practice • requirements of the <i>Cemeteries and Crematoria Act 2013</i> • requirements of the <i>Cemeteries and Crematoria Regulation 2014</i> 	Cemeteries & Crematoria NSW Locked Bag 5153 Parramatta NSW 2124 Ph: 61 2 9842 8473 E: ccnsw.info@cemeteries.nsw.gov.au W: industry.nsw.gov.au/ccnsw
NSW Fair Trading	Complaints relevant to the Australian Consumer Law, for example if a business fails to deliver on statutory guarantees, you might have the right: <ul style="list-style-type: none"> • for repair, replacement or refund • to cancel a service • for compensation for damages and loss. 	NSW Fair Trading PO Box 972 Parramatta 2124 Ph: 13 32 20 W: www.fairtrading.nsw.gov.au
Industry associations: <ul style="list-style-type: none"> • Australian Funeral Directors Association (AFDA) • Funeral Directors Association of NSW (FDA NSW) • Funeral Celebrants Association Australia (FCAA) 	Complaints about funeral directors that belong to an industry association where the association has a complaints system – AFDA	<ul style="list-style-type: none"> • AFDA: W: www.afda.org.au • FDA NSW W: www.fdansw.com.au • FCAA W: www.funeralcelebrants.org.au/

Glossary of key terms

Some commonly used terms related to interment and the operation of cemeteries and crematoria are provided in this glossary.

Burial refers to placing a casket, coffin or container holding human remains into an earth grave (also known as interment) or a natural burial or 'out-of-coffin' burial, which may use only a shroud.

Cemetery operator's register is the register kept by a cemetery operator that records interment rights granted, memorials erected, each interment carried out and each cremation carried out.

Coffin or Casket is a container to hold whole body remains:

- a coffin is tapered at the head and foot and wide at the shoulders
- a casket is rectangular in shape and is usually constructed of better quality timbers.

Columbarium is a structure with niches (small spaces) for the placement of urns or other approved containers used for cremated remains. A columbarium may be outdoors or part of a mausoleum.

Crown reserves are lands set aside on behalf of the community for a range of public purposes.

Crown reserve trust is a legal body that cares for a Crown reserve on behalf of the people of NSW.

Crypt is a space in a mausoleum or other building to hold cremated or whole human remains.

Embalming is a process with three objectives (i) sanitisation of the body (ii) presentation of the body (iii) preservation of the body. This is achieved by treating all parts of the body with various chemicals. Embalming does not permanently preserve the deceased person.

Entombment is burial in a mausoleum.

Epitaph means the words written in memory of a person who has died, particularly as an inscription on a headstone.

Funeral director refers to a person (other than the operators of a mortuary transport service), who in the conduct of their business, engages, for the purpose of burial, cremation or transport, in the collection, transport, storage, preparation or embalming of bodies, or engages in the conduct of exhumations.

Grave is the site in the cemetery where the coffin or casket containing the deceased will be, or has been placed.

Holder of an interment right means the person recorded in the cemetery operator's register as the holder of the interment right in relation to a particular location at that cemetery.

Interment of human remains means:

- burial of human remains in the earth (either directly or in a container)
- placement of human remains in a mausoleum, vault, columbarium or other structure designed for that purpose.

Interment industry refers to the providers of interment services such as burials and cremations. Three primary sectors provide cemetery and crematorium services in NSW: the Crown sector, the local government sector and the private sector. A smaller fourth sector is the community sector.

Interment right is a contract between a cemetery operator and a right holder permitting the right holder to have human remains buried in a particular location in a cemetery.

Interment site means a place in a cemetery for the interment of human remains.

Intestate refers to a person who has died without leaving a will.

Lawn cemetery is a burial ground with commemorative plaques set into the lawn. There is no kerbing or pathways and usually no grave plantings.

Mausoleum is a building in which human remains are interred (placed).

Memorial refers to a monument, plaque, headstone, garden or other item to be installed on a site to commemorate or identify.

Memorial garden is a rose or planted garden for placing cremated ashes.

Memorial service refers to a ceremony commemorating the deceased without the body present.

Mortuary is a room or building in which deceased are kept for hygienic storage, until burial or cremation.

Niche is a space in a columbarium, mausoleum or niche wall to hold cremated remains.

Ossuary box is a container that serves as the final resting place for human remains.

Ossuary house is a building that serves as the final resting place for human remains.

Perpetual interment right allows human remains to be buried and left undisturbed forever.

Renewable interment right allows human remains to be buried for a limited time. The initial period for non-cremated remains must be at least 25 years. At the end of the initial period, the interment right may be renewed, for at least 5 years. A renewable right can only be held up to a total of 99 years.

Revocation is the cancellation or taking back of a perpetual interment right by a cemetery operator when an interment right has not been used within 50 years of purchase.

Shroud refers to a length of cloth or an enveloping garment (cotton or linen) in which a deceased person is wrapped for burial.

Urn is a container to hold cremated human remains. It can be placed in a columbarium or mausoleum, be buried in the ground, or retained by the family.

Vault is a small building or chamber (normally of brick, concrete or tiles) for burial, usually partly or wholly underground.

Frequently asked questions

Q1: What costs are there for a burial or cremation?

There are a number of costs associated with burial or cremation—as indicated in Table 5. The table does not include funeral costs, such as funeral directors' fees and the cost of funeral goods and services including coffins or caskets. NSW Fair Trading has more information about funeral costs.

Misunderstandings about which fees have been paid and which are still outstanding can cause stress. If you are unsure about which fees you have paid, seek clarification from the cemetery operator.

Table 5. Primary costs associated with burials and cremations

Primary burial costs	Primary cremation costs
<ul style="list-style-type: none"> • Interment right fee • Burial fee • Memorialisation fee 	<ul style="list-style-type: none"> • The cremation • A memorial, plaque or urn • Interment right fee (if the ashes are to be buried or kept in a niche or columbarium) • Placement of the ashes (if the ashes are to be buried or kept in a niche or columbarium being

Q2: What is an interment right? Is it necessary?

An interment right is needed if you want human remains to be buried (whether cremated or not). An interment right is not needed if you want to scatter cremated remains. Interment rights apply to burials in the earth, in mausoleums, columbarium, crypts, niche walls and vaults (depending if the remains are cremated or not).

An interment right can be perpetual or renewable. It is an 'interest' in land but the right holder does not become the owner of the land. Renewable rights are voluntary and completely optional. Not all cemeteries have renewable rights.

When you purchase an interment right, the cemetery operator is required to provide a certificate in writing which identifies which type of right is held, the holder of the right, the location of the site and other relevant details.

Q3: Do I have a perpetual or renewable interment right?

The certificate of interment right will specify which type of right you hold.

A perpetual interment right allows the remains to be left undisturbed forever.

A renewable interment right allows the remains to be left for a limited time. The initial period for non-cremated human remains a minimum of 25 years. At the end of the initial period, the holder can renew the right. Renewable rights can only be held for a total of 99 years.

Renewable rights are voluntary and entirely optional. Renewable rights are not available in all cemeteries.

Q4: Do I need to arrange a funeral service?

A funeral service is a ceremony that is held before a burial or cremation—it is optional and not required by law.

Funerals are often arranged to be held during the week in business hours, although other arrangements can be made with the funeral director at other times (such as on a Saturday) by prior arrangement.

Q5: Does the burial have to be at a cemetery or can it be on private land?

The overwhelming majority of burials in NSW occur in cemeteries. Burial on private land can be approved by the relevant local council, subject to certain legal requirements. If you wish to arrange a burial on private land you should contact your local council.

Q6: How many burials can occur in a cemetery burial plot?

A burial plot can generally accommodate two to three adult burials, one above the other. Some sites can only take two interments due to soil type and bedrock. At the time of purchase, the cemetery operator needs to be made aware of how many interments you require/prefer.

Q7: Can cremated remains be placed in a burial site?

Interment rights apply to cremated remains placed in a burial site but not to scattered ashes. Confirm with the cemetery operator the terms of your interment right.

Q8: If I choose cremation, is the coffin cremated with the body in it?

Yes, the coffin and body are cremated together.

Q9: Is more than one coffin cremated at the same time?

Cremators are constructed to hold only one coffin at a time.

It is also a legal requirement that throughout the cremation process the identity of the deceased remain with the body so that their ashes can be identified. Families can ask for two people to be cremated at the same time; however this would occur in separate cremators.

Q10: Can I keep cremated remains at home?

Cremated remains are commonly referred to as 'ashes' and have no legal status. This means that they can be stored or transported in any manner that a family thinks fit and subject to religious or faith considerations. If transporting ashes interstate or overseas, it is recommended that the person carrying the ashes has a letter of authentication from the crematorium confirming the ashes are those of the deceased.

Q11: If I have problems with an operator, who can I contact?

Contact the cemetery or crematorium operator in the first instance (preferably in writing). They will attempt to resolve the matter. If the issue is not resolved after contacting the operator, depending on the type of complaint, you can contact:

- CCNSW on 61 2 9842 8473. Complaints to CCNSW can be made in writing by email to ccnsw.info@cemeteries.nsw.gov.au or via the post to: Locked Bag 5153 Parramatta NSW 2124
- Fair Trading on 13 32 20. Complaints to NSW Fair Trading can be lodged online at fairtrading.nsw.gov.au



Photograph: Waverley Cemetery, Sydney © Cemeteries and Crematoria NSW