



CCA WA Workshop

Presented by
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Workshop outline

- Common forms and how to use them.
- Cemetery Legislation related to the forms.
- Solutions to tricky situations
- Question and Answer.

Legislation



Cemeteries Act 1986



Model Local Law –
developed by WALGA

A person dies

- The family contact a Funeral Director



A cemetery is selected

- The Funeral Director contacts the cemetery and arranges a time for burial



Cemetery paperwork is completed

- Burial Application
- Medical Certificate
- Identification

Simplified burial process



Simplified burial process

Model Local Law Part 3

3.1 Application for Burial

A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.

Important parts of a Burial Application

Approve

- Grant holder must approve burial in a grave.

Apply

- Applicant must apply for the deceased to be buried.

Confirm

- Funeral Director should confirm the instructions.

Application for Burial and Instruction for Grave

Gather

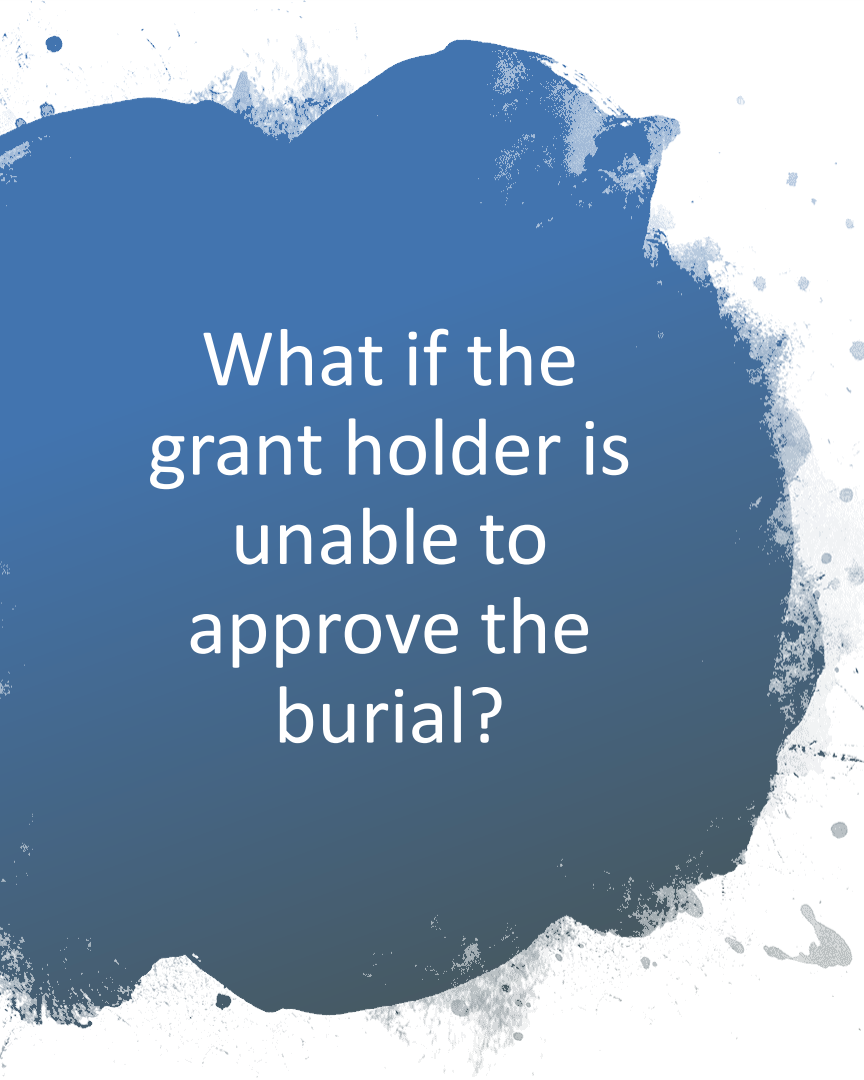
- Gather information necessary for burial

Record

- Record information into the register in line with requirements of the Act

Obtain

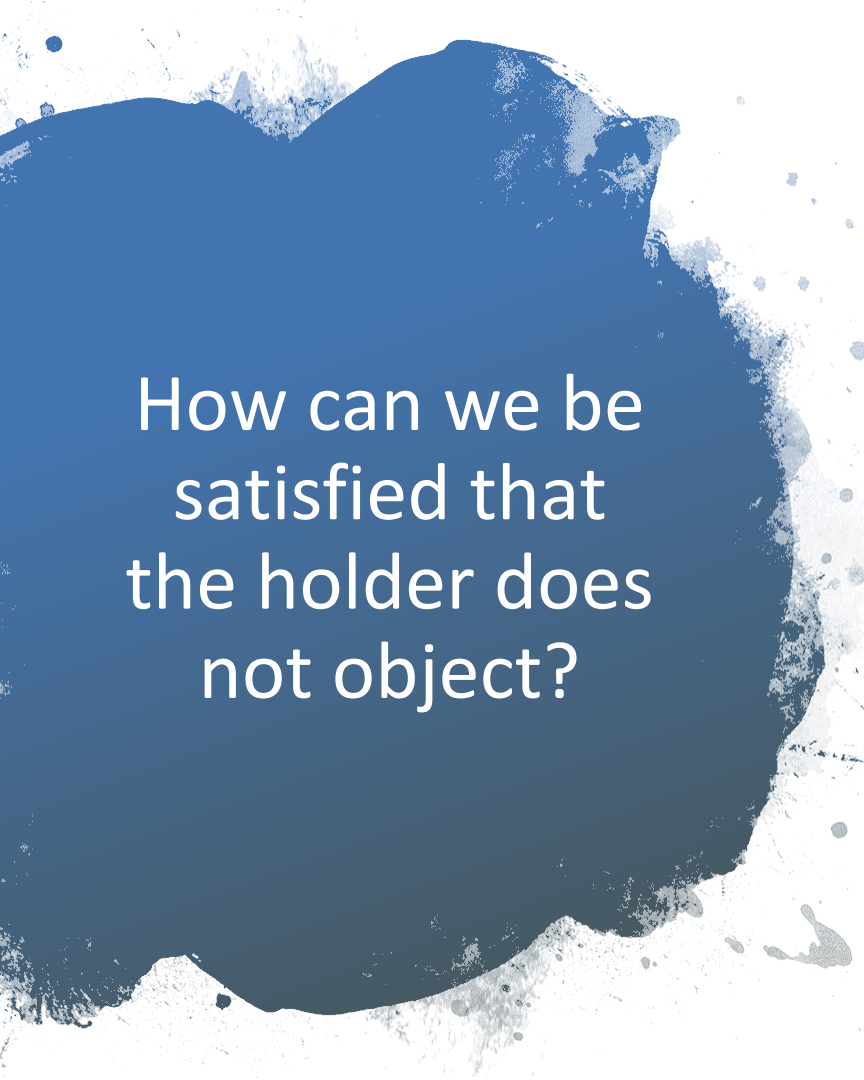
- Obtain instructions from grantee and applicant on burial



What if the
grant holder is
unable to
approve the
burial?

- Cemeteries Act 1986 Part V Division 2 Section 27 – Protection of a Right of Burial

Before any burial is permitted to take place in a specified area which is the subject of a grant of right of burial, the Board must be satisfied that the holder of the right has consented or would not object to the burial taking place.



How can we be
satisfied that
the holder does
not object?

- Grantee Signature.

If still not satisfied also

- Produce the original Grant of Right of Burial that was issued to the holder.

If Grantee can't sign

- Statutory Declaration.

Oaths, Affidavits and Statutory
Declarations Act 2005

Supporting Documents

Model Local Law 3.3 Applications to be accompanied by certificates etc

All applications referred to in clauses 3.1 and 3.2 shall be accompanied by either a medical certificate of death or a Coroners order of Burial, and a certificate issued under clause 3.4, in respect of the body.

Supporting Documents

Model Local Law 3.3 Certificates

- Medical Certificate Cause of Death
Registry of Births, Deaths & Marriages WA, BDM202
or
- Certificate Permitting Burial Cremation or other Disposal
Coroners Regulations 1997 Form 4

Supporting Documents

- Model Local Law 3.4 Certificate of ID
- Form 6 - To be completed by a person who knew the deceased.
- Form 7 - In the event that the body is not in a fit state to view, or after reasonable effort a person is unable to be found, then the Funeral Director can certify the identity of the deceased



Burial without a Grant

- Sometimes called Government Burials
- Organised through Department of Child Protection through the Bereavement Assistance Program, or the Public Trustee
- Some local laws define a burial without a grant so please check yours.



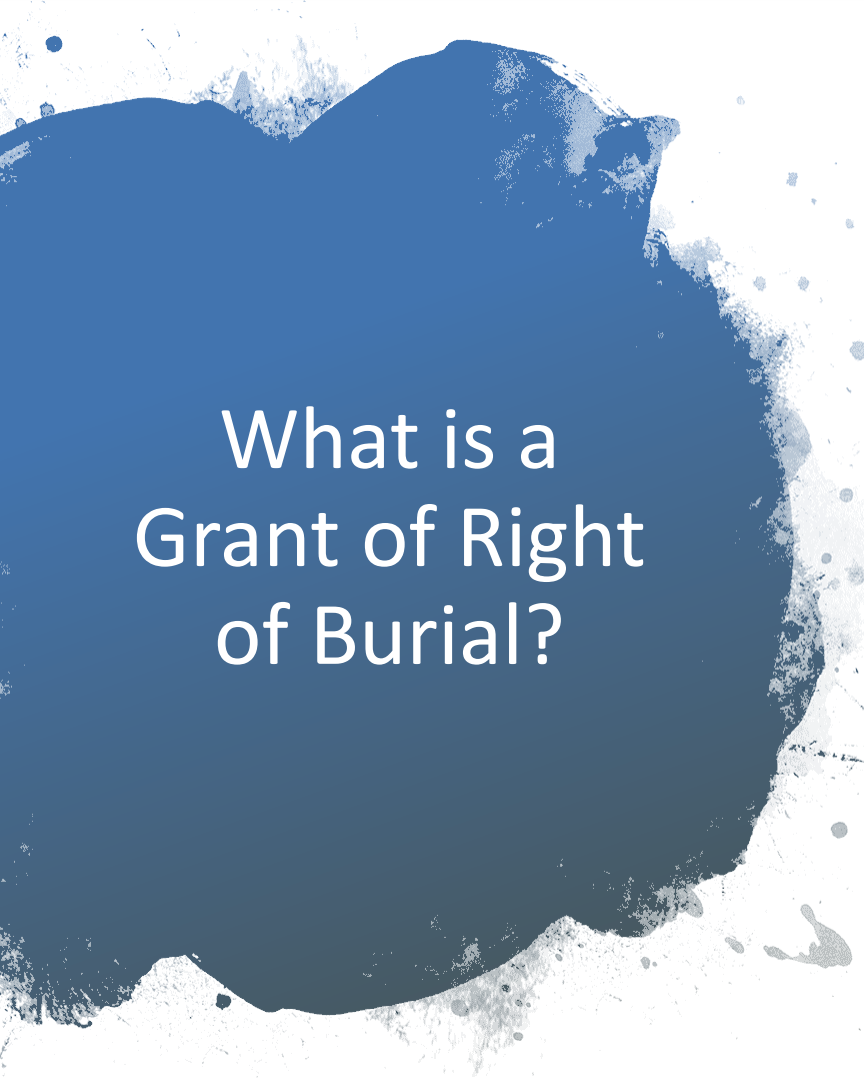
Burial without a Grant

- Cemetery retains the rights to the grave.
- Before allowing further burials or a monument to be placed the Grant of Right of Burial should be purchased.

Burial Register

Cemeteries Act 1986 Part V Division 5 Section 40 Registers and Plans



- (1) A Board shall establish and maintain —
 - (a) a register containing details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and details of the location of the burial in every case



What is a Grant of Right of Burial?

25 year tenure which provides the right to bury, place ashes and place a monument.

What is a Grant of Right of Burial?

METROPOLITAN CEMETERIES BOARD		GRANT
GRANT OF RIGHT OF BURIAL		
Application Number: KC00158315	Grant Number: K0098765	
<p>In accordance with the Cemeteries Act, 1986, and as amended, the Board grants exclusive right of burial and of placing and maintaining for the duration of the Grant a monument upon that piece of land in the cemetery detailed hereunder to the said Grantee:</p>		
<u>DETAILS OF GRANTEE:</u>		
Surname MITCHELL	Other Names MICHAEL JOHN	
Address 1 PARK CIRCLE CANNINGTON WA 6055		
Location		
Cemetery KARRAKATTA	Area LAWN	Section ANDA
Plot(s) 0003	Size of Plot(s) 2.4 x 1.2 metres	Path NO
Date of Issue 22/Jun/2004 Period 25 years Expiry Date 22/Jun/2029		
<u>SUBJECT TO:</u>		
1. The payment of \$ 981.20 Receipt No. KA37514		
2. The bylaws and regulations now and hereafter in force.		
3.		
Signed by the Grantee _____		Date _____
Signed on behalf of the Metropolitan Cemeteries Board 		Date 14/Mar/2007
THIS GRANT MUST BE PRODUCED BEFORE THE GRAVE CAN BE RE-OPENED		
<small>Railway Road, Karrakatta, Western Australia. PO Box 53 Claremont WA 6102 Telephone: (08) 9181 5100 Facsimile: (08) 9184 9273 Email: mcb@mcb.wa.gov.au Web: www.mcb.wa.gov.au Able to call toll free</small>		

A sample Grant of Right of Burial

Grant of Right of Burial

Cemeteries Act 1986 Part V Division 2 Section 25

(1) A Board may grant to a person for a term of 25 years the right of burial in a specified area of a cemetery and the right to place a memorial on that area.

Grant renewal

Cemeteries Act Part V Division 2 Section 25

(2) Where the holder for the time being of a grant of a right of burial applies to the Board for the renewal of the grant the Board shall renew the grant for a further term of 25 years.

Grant renewal

Cemeteries Act Part V Division 2 Section 25

(4) A right of burial granted under the Cemeteries Act 1897 or renewed under subsection (2) may, if the Board and the holder for the time being of the grant agree, be renewed from time to time for a further term not exceeding 25 years in the case of any one renewal.

Important to note

- A current grant may be or shall be renewed, depending on the current phase. Tenure commences from the day of expiry.
- An expired grant is re-purchased. Tenure commences from the day of purchase.
- Once a grant expires the control of the grave reverts back to the Board. The family must purchase the grant again if they wish to exercise the rights (bury, place a monument).

Grant Transfer

Cemeteries Act Part V Division 2 Section 26

(1) A right of burial granted to a person under this Act may be assigned by the holder in his lifetime or bequeathed by will.

(2) An assignment of a right of burial shall have no effect until it is produced to the Board for registration and when so registered shall have priority over any other assignment that may subsequently be produced to the Board.

Grant Transfer

Cemeteries Act 1986 Part V Division 2 Section 26

(3) The bequest of a right of burial shall have no effect until the probate of the will by which the right of burial passes is produced to the Board and the Board shall make an appropriate entry in the register upon which the bequest shall have priority over any assignment that may subsequently be produced to the Board.

Important points for Grant Transfer

- Permission for transfer
- Evidence for transfer
- Update the register

Register of Grants

Cemeteries Act Part V Division 5 Section 40 Registers and plans

(1b) register of all grants including details of the assignments or bequests of grants

(3) A register may be a) entries in a book or b) in a mechanical, electronic or other device...

Monument Permit Application

Cemeteries Act 1986 Part V Division 3 Section 30

(1) A person who wishes to place or erect a memorial in a cemetery shall apply to the Board specifying the proposed location, design and materials of which the memorial is to be composed and the Board may approve or, if the Board considers the location to be incorrect or the proposed memorial to be inappropriate or indecorous or contrary to a local law or by-law, refuse the application.

Monument Permit Application

Cemeteries Act 1986 Part V Division 3 Section 30

(2) A person shall not place or assist in placing or erecting a memorial in a cemetery without the permission of the Board.

Penalty: \$500.

Important points for a Monumental Application

- Fee for a permit
- Grave location
- Grantee permission
- Australian Standard 4204 – 1994 Headstones and Cemetery Monuments
- Longevity of a monument

Ashes into a grave

Cemeteries Act 1986 Definition:

Burial, except in the definition of “funeral” and in sections 11, 12 and 43(2), includes the disposal of ashes of a dead body in a cemetery after cremation;

Ashes into a grave

- Cemeteries Act defines a burial to include the placement of ashes.
- Grantee permission is required.
- Best to bury at the edge of the grave and record the location so the ashes aren't disturbed during a coffin burial.

Ashes and memorials

Memorial plaques
can be a source of
revenue for a
cemetery.

Form can be
modified to
include memorial
areas.

Do we need a
Quick Break??



Activity

Scenario 1: A family want to place a monument on a grave, but they don't know who the grantee is. Checking the records you find the grant is expired.

Scenario 2: A funeral has arrived at the cemetery and the Application for Burial is not signed by the grantee. The grantee wasn't able to come to the funeral, but the Funeral Director says they can get it signed in two days time.

Activity

Scenario 3: A family want to place a monument but don't want to buy a grant. They place a monument anyway.

Scenario 4: A local historical association wants to add a bronze plaque to a headstone of an historical figure. They say they have contacted the family who has no objections, but the grant is expired.

Q&A



“What process or procedure should be followed when planning to open a new cemetery site?”

Q&A



“What is a good way to mark a grave without need for security?”

Q&A



“In regards to memorialisation, are cemeteries still relevant to families?”

The background features three overlapping circles in a medium blue color, arranged horizontally. A solid horizontal band of a light cream or off-white color runs across the middle of the image, passing through the center of the circles. The text 'Q&A' is centered within this band.

Q&A

Any other questions?

Thank you for attending

Forms discussed today are available on-line

CCAWA.net

Members area password: H3adston3

This workshop was kindly sponsored by

