

CCA WA Workshop

Cemeteries Act WA 1986 – Key Responsibilities

Cemeteries and Crematoria Association of Western Australia



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<https://ahaslides.com/X78M6>

Key Focus Areas:

Burials - What is required

Grants and burial rights

Record Keeping and documentation

Licensing of Funeral directors and
monumental masons

General administration - Gazetting of
Cemetery Fees and Common Forms

BURIALS

Burials:

- **Confirm authority to bury**
Grant of Right of Burial is current and valid, or approval obtained from the cemetery authority.
- **Verify the applicant's authority**
Request made by the Grant holder or a legally authorised person.
- **Check burial documentation**
Request for Burial documentation received from Funeral Director with information completed as per the Cemetery Authorities Policy or Local Law.
- **Confirm grave availability and suitability**
Plot location, depth, capacity, and any restrictions verified.
- **Ensure fees are paid or approved**
All required fees settled in accordance with gazetted charges and individual cemetery authorities' procedures
- **Update cemetery records**
Registers and burial schedules prepared before interment.

Quick Quiz





GRANTS

Grant of Right of Burial

What is it?

A **Grant of Right of Burial** is a **legal document** issued by a cemetery authority that gives a person the **exclusive, enforceable right to decide who may be buried or whose ashes may be placed** in a specific grave, plot, vault, lawn position, or niche.

It's important to know that **it is not ownership of land**—it's a *right of use* for burial purposes only.

Grants of Right of Burial

What Rights does it give the holder:

The holder of the Grant typically has the right to:

- Authorise **burials or interments of ashes** in that specific location
- Decide on **memorials or headstones** (subject to cemetery regulations)
- Transfer the right (where permitted)
- Be recorded as the official contact for that burial site

Only the **registered holder(s)** of the Grant can give permission for burial.

What the right does *not* include

- Ownership of the land
- The right to develop, sell the land freely, or use it for other purposes
- Automatic burial rights for family members unless authorised by the holder

Grants of Right of Burial

Who a Grant May Be Issued To?

- Grant of Right of Burial can be issued to any person.
- The Grant does not have to be issued to the person who will be buried
- It can be issued to a family member, friend, or executor
- It can be issued before a death occurs (for future use) or at the time of need
- The Act simply states that the cemetery authority may Grant the right of burial to a person, without limiting who that person may be.

Can a Grant be Transferred?

- The holder of a Grant of Right of Burial may transfer the Grant to another person, with the approval of the cemetery authority (the Board or local government managing the cemetery)

Can Grants be renewed?

- Yes at anytime within the current Grant term.

Grants of Right of Burial

What happens when a Grant is expired?

- When a **Grant of Right of Burial expires and is not renewed**, the **right of burial ceases**.
- The **Grant cannot be renewed or transferred after expiry**.
- **Control of the plot reverts to the cemetery authority** (Board or local government).
- **No further burials or interments** are permitted unless a **new Grant is issued**.
- **Existing burials remain undisturbed** and are protected under the Act.
- Memorials may remain, subject to **cemetery local laws and safety requirements**.

Who can purchase an expired Grant????

Quick Quiz...

RECORD KEEPING

Key Records a Cemetery Authority Must Keep

Burial Registers

Records of all burials, including name, date and grave location

Ashes Interment Records

Details of cremated remains interred within the cemetery

Registers of Grant of Right of Burial

Grant holder details, plot location, transfers and expiry

Cemetery Plans and Grave Maps

Layout plans showing the location of all graves and plots

Exhumation and Re-interment Records

Authorisations and details of any movement of remains

Redevelopment Registers

Records relating to graves affected by approved redevelopment

Most of these records are permanent legal records and must be kept forever.

Cemetery Records – What Must be Retained

Records Required to be Retained Permanently

Statutory cemetery records that must never be destroyed include:

- **Burial Registers**
 - Name of deceased
 - Date of burial or ashes interment
 - Location of grave, niche or vault
- **Registers of Grant of Right of Burial**
 - Grant holder details
 - Plot location
 - Grant issue, transfer, surrender and expiry information
- **Exhumation and Re-interment Records**
 - Ministerial or trustee approvals
 - Location changes and outcomes
- **Cemetery Plans and Maps**
 - Grave and plot layout plans
 - Closed cemetery plans
 - Redevelopment area plans
- **Redevelopment Registers**
 - Records relating to graves affected by approved redevelopment schemes

Why These Records Are Permanent

- Required by legislation
- Provide **legal evidence of burial and burial rights**
- Protect community and family interests **across generations**
- Must remain accessible even after cemetery closure

Records Management Obligation

- Must be retained **in perpetuity** under approved Record Disposal Authorities
- Cannot be destroyed, even after digitisation (original status must be preserved)

•*Reference:*

Cemeteries Act 1986 (WA), Part V – Registers
State Records Act 2000 (WA)
DLGSC – Cemeteries and Burials Guidance

Cemetery Records – Public Access

Public Access to Cemetery Records (WA)

- Cemetery burial records **must be available for public inspection**
- This includes burial, ashes and Grant of Right of Burial registers
- Access is provided **at times and places set by the cemetery authority**
- Copies or extracts can be requested
- **Fees may apply** for inspection or copies
- Access supports families, historians and future generations
- *Legislation: Cemeteries Act 1986 (WA), s.41*

What is NOT publicly available

- Personal family correspondence
- Internal council or cemetery working files
- Financial, operational or maintenance records
- Staff notes or internal investigations

Funeral Directors Licence

Why Issuing a Funeral Director's Licence Is Important

- Ensures lawful funerals
Confirms only authorised persons conduct funerals under the Cemeteries Act 1986 (WA)
- Protects dignity and public confidence
Ensures deceased persons are handled with respect and appropriate facilities are used
- Provides regulatory control
Allows the cemetery authority to set conditions, give directions, and enforce compliance
- Maintains safety and orderly operations
Helps manage funeral timings, traffic, staff coordination, and site safety
- Creates accountability
Clearly identifies who is responsible for each funeral conducted in the cemetery
- Supports fair and consistent standards
Ensures all funeral directors operating in the cemetery meet the same baseline requirements

Funeral Directors Licences are usually issued Annually however a single permit can be issued on request.

Funeral Director's Licence – Application Requirements

- Applicant & business details
(name, trading name, contact details)
- ABN / ACN
(where applicable)
- Fit and proper person declaration
- Facilities & equipment
(premises, vehicles, storage)
- Cemeteries to be serviced
(licence is cemetery-specific)
- Agreement to comply
(Act, local laws, licence conditions)
- Completed form & fee



Details of Applicant:			
The Funeral Director named below hereby applies for a licence to undertake burials within the City of Busselton Cemeteries and in support of such application supplies the following particulars.			
<input type="checkbox"/> Annual Licence – Financial Year 2025- 2026 \$490.50 per Annum (GST Exempt)	<input type="checkbox"/> Single Licence Permit (Funeral Directors) Date: \$225.60per burial (GST Exempt)		
Name of Company:			
Trading Name of Business:			
Street Address:			
Postal Address:			
Telephone:		Fax:	
Contact Name:			
Email:			
Number of Years for which applicant has previously held a Funeral Directors Licence			
Have you been convicted of any offence, anywhere? (If yes provide details)			<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever been declared bankrupt or placed in receivership? (if yes provide details)			<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • I, the applicant, understand this licence will be issued pursuant to compliance with the Cemeteries Act (1986) the City of Busselton Local Law (2015) and any other relevant statues or Regulations now and hereafter in force. • I agree to maintain Public Liability Insurance cover and Workers Compensation Insurance Cover (where applicable) as a condition of my licence. • A copy of the Certificate of Currency of Third Party Insurance must be attached. • I agree to provide details of these insurance policies annually. 			
Full Name of Applicant:			
Title of Applicant:			
Signature:		Date: ____/____/____	

Valid till 1 July 2026

Monumental Masons Licence

Why License Monumental Masons?

- **Legal compliance**
Ensures memorials are installed with approval and in line with the Act and local laws.
- **Public safety**
Reduces risk from unstable or poorly installed monuments; requires competent contractors and insurance.
- **Dignity & standards**
Maintains the respectful appearance and orderly layout of the cemetery.
- **Accountability**
Allows the cemetery authority to enforce conditions, suspend or cancel licences if needed.
- **Effective cemetery management**
Supports Council's statutory responsibility to manage, protect and maintain cemeteries.

Monumental Masons Licence Application

- Applicant / business details (name, ABN, contact)
- Responsible person or company directors
- Relevant experience and qualifications
- Licence type (annual or single permit)
- Insurance (public liability, workers comp)
- Compliance declaration (Act, local laws, standards)
- Acknowledgement of approval requirements
- Signed declaration and fee payment

APPLICATION FOR MONUMENTAL MASONS ANNUAL LICENCE CITY OF BUSSELTON CEMETERIES



All correspondence to:
The Chief Executive Officer, Locked Bag 1, Busselton WA 6280
P: (08) 9781 0444 E: city@busselton.wa.gov.au W: www.busselton.wa.gov.au

Details of Applicant:			
The Monumental Mason named below hereby applies for a licence to undertake monument installations within the City of Busselton Cemeteries and in support of such application supplies the following particulars.			
Annual Licence – Financial Year 2025 - 2026 - \$407.70 per Annum (GST Exempt) then \$168 per application			
Name of Company:			
Trading Name of Business:			
Street Address:			
Postal Address:			
Telephone:		Fax:	
Contact Name:			
Email:			
I the applicant named below certify that:			
1. I will comply with the Cemeteries Act 1986, the City of Busselton Local Laws, policies, procedures and guidelines they may issue from time to time, including compliance with the Australian Standard as4204-1994 Headstones and Cemeteries Monuments.			
2. I acknowledge and accept that the erection of all monumental work will be carried out by a qualified monumental mason employed by the above company.			
3. Where another monumental mason is sub-contracted to perform work on behalf of the above company, that the person must be licensed as a monumental mason by the City and produce their certificate of currency of third party insurance.			
4. No monuments will be erected prior to the approval of the City being obtained.			
5. I agree to maintain the currency of my Third Party Insurance and Workers Compensation Insurance (where applicable) as a condition of my licence.			
6. I have never been declared bankrupt or placed into receivership.			
7. I understand and acknowledge that the City can refuse to issue licence, or cancel or suspend a licence at any time.			
8. I do/do not have any convictions for any offence(s), anywhere. (Cross out as appropriate)			
Full Name of Applicant:			
Title of Applicant:			
Signature:		Date:	___/___/___

Valid till 30 June 2026

Application to Erect a Monument

Application to Erect a Monument – Required Information

- Grave and burial details
- Right of burial holder details and consent
- Deceased details
- Monumental mason details and licence number
- Monument design, size, materials and fixing method
- Proposed inscription wording
- Compliance declaration and application fee
- **Minor Monument Works – Who Can Apply?**
- Applicant does not need to be a monumental mason
- Applies to approved minor, non-structural works only
- Structural or major works must be done by a licensed mason
- What counts as “minor” is determined by Council policy or Local Law

APPLICATION FOR MONUMENT INSTALLATION
CITY OF BUSSELTON CEMETERIES



All correspondence to:
The Chief Executive Officer, Locked Bag 1, Busselton WA 6280
P: (08) 9781 0444 E: city@busselton.wa.gov.au W: www.busselton.wa.gov.au

APPLICANT/MONUMENTAL MASON DETAILS			
Company Name:			
Contact Name:			
Address:			
Suburb:	State:	Postcode:	
Telephone:	Email:		
Is the work being undertaken by a monumental mason? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<i>All monumental works must be approved by the City, prior to works commencing. Allow 21 working days for applications to be processed.</i>			
<i>All major monumental works shall be carried out by an appropriately trained monumental mason. Consideration will be given to applications made by non-masons if the work is minor.</i>			
DECEASED DETAILS:			
Surname:			
Given Names:			
Date of Death:			
CLIENT DETAILS: (Must be holder of Grant of Right of Burial)			
Name:			
Address:			
Suburb:	State:	Postcode:	
Email:			
Signature:			
MONUMENT DETAILS			
Cemetery:	<input type="checkbox"/> Memorial Drive	<input type="checkbox"/> Catholic	Section: A B C D
<input type="checkbox"/> Busselton	<input type="checkbox"/> Burial Plot	<input type="checkbox"/> Anglican	Lot No:
<input type="checkbox"/> Dunsborough	<input type="checkbox"/> Other	<input type="checkbox"/> OPD	
		<input type="checkbox"/> Lawn	
		<input type="checkbox"/> Muslim	
<input type="checkbox"/> New Monument		<input type="checkbox"/> Only adding another name to existing monument in Lawn Section. (no fee applicable)	
<input type="checkbox"/> Existing Monument – Reinstating monument and foundations after refurbishment or reopen.			
<input type="checkbox"/> Existing Monument – minor repairs to a grave where the Grant of Right of Burial has expired. A completed Application for Minor Repairs to a Grave with an Expired Grant of Right of Burial must accompany this form.			
Estimated Start Date:			
Estimated Cost of Works:			
Fee Enclosed:	<input type="checkbox"/> \$168 (Holder of Annual Licence) <input type="checkbox"/> \$196.60 (Single Permit Only)		
I hereby certify that the monument will be constructed/repared in accordance with Australian Standards AS 4204-1994 and in accordance with the City of Busselton's Local Laws.			
Monumental Mason/Applicant Signature			Date

GAZETTING CEMETERY FEES

Gazetting of Cemetery Fees

Under the **Cemeteries Act 1986 (WA)**, fees and charges do **not** take legal effect unless they are published in the **Government Gazette**.

A cemetery Board or local government **may set fees by resolution** for Grants, renewals, burials, memorials, maintenance, etc.

However, those fees **do not come into effect** until at least **14 days' notice has been given in the Government Gazette**

“A fee or charge set by a resolution under subsection (1) shall not come into effect until not less than 14 days' notice of the fee or charge has been given in the Gazette.”
— *Cemeteries Act 1986 (WA), s 53(2)*

Process for Gazetting of Fees

- Formal adoption required by resolution of the Board or Council before publication.
- Notice for Publication must include name of the cemetery authority (Board or local government) Full schedule of fees and charges and a statement that fees were adopted by resolution and the Intended commencement date (minimum 14 days after gazettal)
- Submit to Publications Officer, Department of the Premier and Cabinet – process on website.
- Gazettal fees - A separate publication fee applied, payment instructions issued after lodgement.
- Cemetery Fees published in the WA Government Gazette
- Cemetery Fees cannot be charged until 14 days after publication

Examples of Gazetted Fees

6 June 2025 GOVERNMENT GAZETTE, WA 797

CEMETERIES

CE401

CEMETERIES ACT 1986
ALBANY CEMETERY BOARD

In pursuance of the powers conferred upon it by section 53 of the *Cemeteries Act 1986*, the Albany Cemetery Board hereby records having resolved on the 28th day of May 2025 to set the following fees and charges effective from 1st day of July 2025. The fees and charges shall be payable upon application for services detailed hereunder.

Schedule of Fees and Charges

All fees and charges are inclusive of 10% GST (except where shown exempt)

	\$
1. Grant of Right of Burial (25 year tenure period) (GST exempt)	
Grave Site (2.4m x 1.2m).....	1,660.00
Renewal of Grant of Right of Burial	1,660.00
Pre-need purchase—land selected by applicant or land reserved in advance	1,955.00

CEMETERIES

CE401

CEMETERIES ACT 1986
Shire of Dardanup
CEMETERY FEES AND CHARGES

In pursuance of the powers conferred by Section 53 of the *Cemeteries Act 1986* the Council of the Shire of Dardanup hereby records having resolved on 26 June 2024 to set the following fees and charges effective from 1 July 2024. The fees shall be payable upon application for services detailed hereunder.

CEMETERY FEES AND CHARGES	FEES AND CHARGES 2024/25
Interments	
Interment of Adult	\$ 1,238.00
Still Borns	\$ 361.00
Children under 7 years	\$ 568.00
Placement of cremated ashes	\$ 310.00

10 June 2025 GOVERNMENT GAZETTE, WA 815

CEMETERIES

CE401

CEMETERIES ACT 1986
City of Busselton

SCHEDULE OF FEES AND CHARGES

In pursuance of the powers conferred by section 53 of the *Cemeteries Act 1986*, the City of Busselton hereby records having resolved on 14 May 2025, to set the following fees effective from 1 July 2025. The fees shall be payable upon application for services detailed hereunder, City of Busselton Cemeteries.

All Fees and Charges are inclusive of 10% GST (Except where shown exempt)

CEMETERY FEES	\$
Land Grant for Right of Burial	
Grant of Right of Burial—25 years (GST exempt)	2,110.00
Grant of Right of Burial—Ashes (GST exempt)	279.00

CEMETERIES

CE401

CEMETERIES ACT 1986
Shire of Gnowangerup

CEMETERY FEES AND CHARGES

Pursuant to Section 53 of the *Cemeteries Act 1986*, the Shire of Gnowangerup resolved on 14 August 2024, to set the below schedule of fees and charges to have affect 14 days from the publication of this notice. All previous fees and charges are hereby revoked.

DAVID NICHOLSON, Chief Executive Officer, Shire of Gnowangerup

CEMETERY FEES AND CHARGES

**FEES AND CHARGES
2024/25**

Burials—2.1 depth

Interment (no prior reservation)	\$1,550.00
Interment (with prior reservation)	\$1,200.00

Cemetery Forms

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Questions?

A decorative blue dashed line is located in the bottom right corner of the slide, consisting of several curved segments.