

Burial and Cremation Amendment Bill 2018

FREQUENTLY ASKED QUESTIONS

Will the cost of burials increase?

There should be no increase in the cost of burials as a result of these amendments. However, this is a matter for individual cemeteries.

Can I still access the cemetery if it is sold?

All cemetery managers must allow access to the cemetery free of charge at any reasonable time. If a cemetery cannot be accessed during reasonable hours (what are reasonable hours will depend on the cemetery), concerns should be raised with the Director of Local Government (as the proposed Regulator).

I have already paid for a burial plot. Can I be buried there if the cemetery is sold?

Yes – cemetery managers must honour an exclusive right of burial, regardless of whether ownership of the cemetery over time. The changes to the Act will ensure purchasers are informed of all exclusive rights of burial when they buy the cemetery.

Can a cemetery that is sold be closed? What will happen to the graves?

The length of time from the last burial before a cemetery can be closed will increase from 30 to 100 years. Cemetery managers will be required to obtain approval from the Regulator to close a cemetery; and the Regulator can impose conditions on the closure of the cemetery (for example, that the graves of war veterans or persons of cultural or historical interest to the community are not disturbed).

Who is responsible for ensuring cemetery managers meet their obligations?

The Director of Local Government, as the Regulator, will continue to have regulatory responsibilities under the Act, including maintaining an active register of all cemeteries and ensuring cemetery managers meet their obligations.