

Shire of Carnarvon

TENURE OF GRAVES



From time to time the Shire of Carnarvon receives requests for clarification of tenure conditions on graves and the likely outcome when tenure expires. The following summary relates to the Shire of Carnarvon's position based on current legislation and policies.

A Grant of Right of Burial confers upon the holder (including successors of assigns), the right to arrange up to two burials (and place cremated remains) in a grave and the right to place monumental work in accordance with the Shire of Carnarvon's Local Laws.

1. Tenure on private graves is specified in a Grant of Right of Burial;
2. Prior to 1986, Grants were issued for 50 years. After that date they were issued for 25 years with a right of renewal for a further 25 years;
3. Beyond this a Grant may be renewed for a further term not exceeding 25 years, if the Shire of Carnarvon and the holder of the Grant agree.
4. When a grant expires, control of the grave plot reverts to the Shire of Carnarvon and on present policies the following conditions apply –
 - (a) If the grave was purchased pre-need and has not been used for burial, a new Grant of Right of Burial would be required before an interment is arranged.
 - (b) If a grave is to be used for further interments a new Grant or payment of a maintenance fee would be required.
 - (c) The Shire of Carnarvon has a right to remove monuments in disrepair.
 - (d) If any area is planned for redevelopment the Shire of Carnarvon will –
 - Take all reasonable steps to inform;
 - Have a plan available for inspection;
 - Place a sign in the section for at least one year notifying the public of redevelopment proposals, inviting inspection of plans stating that persons may make submissions on the plan;
 - At least 3 months before implementation, place a notice of intention in the newspapers;
 - Refer the plan for approval by the Minister.