



METROPOLITAN  
CEMETERIES BOARD



# THE 1986 CEMETERIES ACT REVIEW



*Implications for burial  
plot tenure in 2012 at the  
Metropolitan Cemeteries Board*

*In 1986 the Cemeteries Act was reviewed and on 1 July 1987, a new Cemeteries Act came into effect.*

It was the first review of the Act since 1897 and, accordingly, there were some significant changes.

The biggest change was the legislation regarding the length of the Grant of Right of Burial.

### **The Grant of Right of Burial**

In simple terms, a Grant of Right of Burial, or, *Grant*, is the tenure agreement over a stated burial plot which confers upon the holder of the Grant, known as the Grantee, the right to conduct burials, inter ashes and erect a monument within the burial plot.

Whether it be the first or a subsequent burial, the Grant held over a nominated burial plot must be current at the time a burial is conducted.

Once a Grant expires, official ownership of the plot reverts to the Metropolitan Cemeteries Board.

### **The 1986 Review – Changes to Tenure**

Under the 1897 Cemeteries Act, Cemetery authorities were able to issue Grants with a tenure period of 25, 50 or 99 years. Whilst some cemetery authorities issued 99 year Grants, others issued either 25 or 50 year Grants. There was little consistency either throughout the State or within individual cemeteries.

Whilst the decision to modify the tenure of existing Grants was made by Parliament over 25 years ago, the logic of the decision is still pertinent. Of particular concern, many of the longer tenure Grants (50-99 years) were sold at nominal rates. As most cemetery authorities operate upon user-pays principles with the revenue raised utilised to fund both maintenance and the development of new burial land, the levying of a nominal fee for such lengthy periods was, quite simply, not sustainable.

Under the revised 1986 Cemeteries Act, the new stipulated tenure of Grants was 25 years with an automatic option for Grant holders to purchase an additional 25 years either initially or at any time during the first 25 years. The discretion of all cemetery authorities in Western Australia to issue 50 or 99 year Grants was revoked.





Pinnaroo Valley and Rockingham Regional Memorial Parks are **NOT affected** by the 2012 Grant expiry.

For cemeteries not administered by the Metropolitan Cemeteries Board we suggest making enquiries directly with the managing cemetery authority. Bunbury, Kalgoorlie – Boulder, Geraldton and Albany have dedicated cemetery administration authorities, with the remainder of cemeteries in Western Australia generally being administered by the local Shire.

### Is my Grant affected?

If you have purchased a Grant of Right of Burial from July 2 1987 onwards you are definitely not affected. Your Grant remains valid for the period shown.

### Only Grants purchased prior to July 1 1987 are affected.

Given that 25 years have passed since the changes to the Act were implemented, the vast majority of Grants issued prior to 1986 have now expired of their own accord (i.e. the full tenure has already been served). Those that haven't expired will expire on July 2 2012.

The easiest way to ascertain if a Grant is affected is to search on our web site located at [www.mcb.wa.gov.au](http://www.mcb.wa.gov.au). The search function is located under the *Research & Genealogy* tab on our home page. You will need the details of the deceased (names, dates etc) to complete your search. When you reach the record outlining the details of the burial plot, the expiry date of the Grant will be listed. If the expiry date is July 2 2012 then the Grant is affected. If it isn't then the Grant is not affected by the tenure reduction.



Some cemeteries are affected more than others with the recognised need for legislative review encouraging several of the managing authorities to review the length of tenure prior to the Act review being finalised. The following is a brief overview of the potential impact on a cemetery by cemetery basis:

### *Karrakatta*

Karrakatta ceased issuing 99 year Grants in 1959 and stopped issuing 50 year Grants in 1980. Although there will be a number of Grants affected, the vast majority of those have already served a significant portion of their original tenure.

Approximately 97% of affected Grants at Karrakatta can be renewed if families wish to do so. There is the possibility that up to 3% of Grants may not be renewable.

If you are affected by the tenure reduction at Karrakatta or would, where applicable, like to secure additional tenure, we would encourage you to contact us at Karrakatta Cemetery to discuss your options.

### *Fremantle*

Fremantle ceased issuing 99 year Grants in 1968 and 50 year Grants in 1987. There will be a number of plots that will lose 10-25 years from their tenure however families can purchase a new Grant if they wish to have additional interments in an existing plot. New Grants are offered with 25 year tenure. Arrangements can be finalised by contacting Fremantle Cemetery.



## *Midland & Guildford*

Midland Cemetery ceased issuing 99 year Grants in 1977 whilst Guildford ceased issuing the 99 year Grants in 1939. 50 year Grants were issued at both cemeteries up until 1987.

There will be a number of plots that will be losing 10-25 years from their tenure however families can purchase a new Grant if they would like to inter additional family members in an existing plot. New Grants are offered with 25 year tenure. Arrangements can be finalised by contacting Pinnaroo Valley Memorial Park.

## **Are refunds being offered for tenure that is being reduced?**

Given that many of the original 99 and 50 year Grants were sold for nominal sums, no refunds will be issued for tenure that is to be reduced.

In practical terms, many of the Grants were issued prior to the Australian adoption of decimal currency in 1966 making the refunding of monies almost impossible to process.

## **If I can purchase additional tenure do I need to do so?**

A Grant must be current if additional interments in the form of burials or ashes placements are to take place at the plot.

If monumental work on the plot is to be modified, the Grant also needs to be current.

Some families prefer to purchase additional tenure for peace of mind even if they aren't anticipating additional interments or the modification of monumental work.

If your family wishes to secure additional tenure then please contact our offices at the relevant cemetery to discuss the options available to you. Grants can generally only be renewed by the original Grantee.

This Grantee is traditionally the family member who organised the first interment. Given the passage of time and the likelihood that many original Grantees may now be deceased, our staff will be able to discuss the processes required for verification and legal compliance in the issuing of a Grant for an existing plot to a new Grantee.

Any enquiries regarding 2012 Grant expiration should be directed to Client Services at the relevant cemetery via telephone 1300 793 109. Alternatively, email enquiries should be directed to [2012expiry@mcb.wa.gov.au](mailto:2012expiry@mcb.wa.gov.au)