

**Submission 11 – ACT Public Cemeteries Authority**  
**Attachment A – Terminology**

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**Tenure** is the duration (in years) of exclusive right of burial or interment of ashes. In general, at the end of the tenure period, the burial rights (or control) over an allotment lapse and return to the relevant cemetery authority.

**Perpetuity** is not necessarily deemed to be 'forever'. In some jurisdictions, it is defined in legislation as a set period, generally between 60 and 99 years. In the ACT perpetuity is not defined but the Act states that a right of burial "lasts forever".

**Limited tenure** typically provides for tenure for periods of between 25 to 99 years and is normally accompanied by renewal options - in which case the concept might more accurately be described as 'renewable tenure'.

**Renewable tenure** could allow for rolling leases of 25 years that could be renewed for up to 99 years. For example, in NSW a two-year period is permitted for a lease to be renewed, and on its expiration the burial plot can be reused.

**Reuse or Recycling** of burial plots under limited or renewable tenure arrangements improve long-term planning and management of cemeteries and crematoria. Additionally, most cemeteries that allow pre-need sales have empty graves which will never be used due to family movements, loss of papers, and incomplete will arrangements. Managing these in the future is critical to ensure that use of available space is maximised. Reuse methods include:

### **Lift and deepen**

The remains, if any, are exhumed from an existing grave, wrapped (usually in a plastic sheet or boxed), and the grave is then dug to a greater depth allowing the placement of the remains below the normal burial level. The grave is then prepared for a fresh burial. This can be for the current burial right holder or for resale.

In the case where there is no change to burial rights owner, the monument would normally be appended or redone at the cost of the burial right holder.

In the case of resale, headstones (including monuments) are removed and may be placed in a Headstone garden/wall or destroyed, usually at the discretion of the burial rights holder/family - however issues such as the historical and architectural significance of a monument are also considered by the cemetery authority. An agreed outcome would be negotiated where ever possible. The human remains may also then be moved to ossuary house<sup>1</sup>, and the reclaimed graves would then become available for sale. The cost of moving remains to an ossuary house or deep placement, and relocation of headstones would be the responsibility of the cemetery authority and factored into the cost of the new grave.

### **Renewing graves or a burial ground**

This is typically used in older cemeteries by reclaiming an area for re-use by a large scale lift and deepen, movement of remains to ossuary house, and/or by building over the top of an area with at least two meters of fresh earth. All methods would involve a communication strategy with the

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<sup>1</sup> An ossuary house is a chest, box, building, well or site made to serve as the final resting place of human skeletal remains (a bone house)

affected families – retention of historically significant monuments and artefacts and the costs borne by the cemetery authority.

### **Unused grave buyback programs**

This can occur on a plot by plot basis where a cemetery authority approaches the exclusive rights holder for a plot that has not yet been used post expiration of the defined reserve period (currently 60 years in the ACT). The cemetery authority would provide the option of renewing the reservation or forfeiting the right to the plot/s (typically when the defined process to establish contact in the applicable ACT Code of Practice has been exhausted to no avail). The end state being that the individual plot/s are then made available to be resold by the cemetery authority.

In the case where a cemetery authority is seeking to reclaim a whole burial area (would generally only occur in older cemeteries), communication must be made with all affected exclusive rights holders and/or families (whether the right/s have been exercised or not) and options provided; which could include relocation, lift and deepen, movement to an ossuary house, retention of a reservation – but in an alternative area or the newly developed area, or cash reimbursement. The end state being that a whole area is wholesale redeveloped.