



TENURE ON GRAVES

A Grant of Right of Burial confers upon the holder, the right to place monumental work in accordance with the Shire's By-laws.

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

1. Tenure on private graves is specified in a Grant of Right of Burial.
2. Since 1986, Grants at the Shire of Derby/West Kimberley have been issued for twenty five (25) years with a right of renewal for a further twenty five (25) years.
3. Beyond this a Grant may be renewed for a further term not exceeding twenty five (25) years, if the Shire and the holder of the Grant agree.
4. When a Grant expires, control of the grave plot reverts to the Shire 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 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) In most sections of the Shire of Derby/West Kimberley, monumental work may be updated. In other areas, monumental work would not be permitted, but an appropriate garden memorial could be arranged.
 - d) The Shire has the right to remove monuments in disrepair.
 - e) If any area is planned for redevelopment the Shire will;
 - (i) take all reasonable steps to inform.
 - (ii) Have a plan available for inspection.
 - (iii) Place a sign in the section for at least one (1) year notifying the public of redevelopment proposals, inviting inspection of plans and stating that persons may make submissions on the plan.
 - (iv) At least three (3) months before the implementation, place a notice of intention in the newspapers.
 - (v) Refer the plan for approval to the Minister.

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