



Burial Outside a Proclaimed Cemetery Application form

Please use this form to apply for Ministerial approval for a burial outside a proclaimed cemetery. A proclaimed cemetery is land declared by the Governor to be a cemetery under section 4(1) of the *Cemeteries Act 1986* that has not been declared closed.

The information you provide will be used by the Department of Local Government and Communities (the department) for the purpose of assessing your application and ensuring it complies with its Burials Outside Proclaimed Cemeteries policy.

Should you require assistance with completing this form, please telephone the department on (08) 6551 8700 or toll free for country callers on 1800 620 511 or email legislation@dlgc.wa.gov.au

For alternative formats and more information, please visit the department's website at www.dlgc.wa.gov.au

For a Translating and Interpreting Service (TIS) telephone 13 14 50.

Burials outside of proclaimed cemeteries

Burial laws in Western Australia generally require burials to take place in proclaimed cemeteries. This is to ensure that there is a proper record of burials and that the graves are protected in perpetuity.

However, in special circumstances, permission can be given to conduct burials in other places that have significance for the deceased person or their family and friends.

This application must be accompanied by the written consent of the site owner and the family of the deceased person. Burials outside proclaimed cemeteries will only be approved in exceptional circumstances and if they comply with the Minister for Local Government policy.

Approval of Minister is required

All Applications for Burial Outside a Proclaimed Cemetery require approval by the Minister for Local Government.

You can apply for the Minister's approval by completing this form and posting it to the **Department of Local Government and Communities**, GPO Box R1250, PERTH WA 6844, by faxing it to (08) 6552 1555 or emailing PDF copies to legislation@dlgc.wa.gov.au

Information needed with application

To enable the application to be assessed, you will need to provide information about the proposed burial including the special reasons for the request. Details of the information required are specified in the policy and are also listed in this form. Notes in the form will assist you to provide this information and the necessary documents to support the request.

Approval process

When your application is received, the department will check it to ensure that the application complies with the policy and that all questions are answered, before it is submitted to the Minister for approval. Your application may be able to be processed within two days if all necessary information and documents are attached.

The Minister may approve or refuse your request. If your application is approved, the Minister may impose conditions.

You will be notified of the Minister's decision as soon as possible, usually by telephone, fax or e-mail. The letter of advice will be sent to the Applicant.

Department can answer your queries

If you have queries about the application or approval process, you can contact the **Legislation Branch** of the Department of Local Government and Communities on telephone: (08) 6551 8700 or email: legislation@dlgc.wa.gov.au with the subject heading 'Application - **Burial Outside Proclaimed Cemetery**'.

Application notes

- Note 1** Attach a copy of the Death Certificate or Coroner's Order to show proof of the demise of a person.
- Note 2** Give the name of the place and a detailed description of the land in which the burial is proposed to take place (e.g. Reserve No. 25570, Thompson Road, Broome); attach a map (see Note 3) showing the location of the burial place *in the region*.
- Note 3** If unsure whether the land is a Crown reserve for burials, contact the **Landgate Division** of the Department of Lands on Tel: (08) 9273 7373 for advice; free maps are also available for downloading by visiting [Landgate's website](#)
- Note 4** Attach a map of the land and/or property, showing the burial area is *visibly* set apart, and mark the burial place (e.g. with a "X"). To show the burial place is *distinguishable* from other areas in the land/property, indicate whether it is fenced off, has delineated paving or planting, signage, headstones, plaques or memorials on the grave. For country and remote areas, a map to show it is physically isolated and known by Indigenous communities as a burial place of cultural or spiritual significance.
- Note 5** Attach the written approval of the landowner for the proposed burial. The owner could be a private landowner or a State or Commonwealth Government department or agency, e.g. Western Australian Aboriginal Lands Trust or Department of Defence. The written approval must include the landowner's contact details.
- Note 6** Attach the written approval of the Executor of the Will and Estate of the deceased. If there is no Will, the Statutory Declaration and/or written approval of the family of the deceased is required. The approval order of the next-of-kin is:
1. Spouse (including de facto spouse)
 2. Sons and daughters over 18 years
 3. Parents or guardians
 4. Brothers and sisters
 5. A person nominated by the deceased.

Everyone needs to give his or her agreement to the proposed burial and burial area in writing.

- Note 7** Clearly explain the **special reasons** for the proposed burial as the law generally requires burials to take place in declared proclaimed cemeteries. If you need more space, attach another sheet.

Application form

Your contact details

Please insert your contact details below.

Title:	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Ms <input type="checkbox"/>	Dr <input type="checkbox"/>	Mayor <input type="checkbox"/>	Councillor <input type="checkbox"/>
	Other <input type="checkbox"/> Please specify:					
Given names:						
Surname:						
Street or postal address:						
Telephone:	Home		Mobile			
	Business					
Email address:						

Application details

Full name of deceased person:					
Gender:					
Date of birth:		Date of death:			
Date of proposed burial:					
Is the deceased of Aboriginal descent?					
Will the deceased be buried according to Aboriginal customary law?					
Is the proposed burial place reserved for burials under the <i>Land Administration Act 1997</i> ? (See Note 3 in Notes to Form)					

Is the proposed burial place visibly set apart and distinguishable as a burial place? (See Note 4 in Notes to Form):
Name of the nearest proclaimed cemetery:
Distance to nearest proclaimed cemetery from proposed burial place in kilometres:
_____ km
Does the family of the deceased consent to burial in this place? (See Note 6 in Notes to Form):
Has approval been given by the closest next of kin?
Name and address of landowner of proposed burial place (See Note 5 in Notes to Form):
Does the owner of the land consent to the burial?
Reasons for application (See Note 7 in Notes to Form):
Other supporting information (attach if necessary):

To the best of my knowledge, the information provided is true and correct.

Signature:

Date:

Note: making a false statement is an offence under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Submissions

Submit the application documents to the Department of Local Government and Communities by fax: (08) 6552 1555, email: legislation@dlgc.wa.gov.au or post: GPO Box R1250 Perth WA 6844 and use the subject heading 'Application - **Burial Outside Proclaimed Cemetery**'.

Application checklist

Please check that you have these documents ready to submit to the Department of Local Government and Communities.

1. Application Form:
 - completed
 - signed
 - dated
2. Death Certificate or Coroner's Order:
 - clear copy
3. A map showing the general location of the burial place in the region (see Note 3):
 - a) If a Landgate map, showing reserved burial place on Crown land under the *Land Administration Act 1997*:
 - copy in colour (if submitting pdf document by email)
 - copy in colour (if submitting by post), or
 - copy drawn in black & white (if submitting by fax).
 - b) **Or** a regional map showing proposed burial place on the land and the location/distance of the nearest proclaimed cemetery:
 - copy in colour (if submitting pdf document by email)
 - copy in colour (if submitting by post), or
 - copy drawn in black & white (if submitting by fax).
4. A map showing the burial area and whether it is set apart and distinguishable from other places in that land, and give a description (eg fenced, marked graves. Photographs can be used.):
 - copy in colour (if submitting pdf document by e-mail)
 - copy in colour (if submitting by post), or
 - copy drawn in black & white (if submitting by fax).

5. A map or drawing showing the actual burial area with the plot marked with an "X" (GPS co-ordinates can be provided),:

- copy in colour (if submitting pdf document by e-mail)
- copy in colour (if submitting by post), or
- copy drawn in black & white (if submitting by fax).

6. Letter from Landowner (with full contact details) supporting the proposed burial.

7. The deceased's family member's signed consent in a letter or Statutory Declaration:

- stating relationship with the deceased (as next-of-kin), and
- stating agreement among family members (if more than one).

Or a letter from Executor of the Will and Estate of the deceased (with full contact details) about the proposed burial.