

FAQ

Voluntary Plot Buyback Program



Definitions

What is a burial right?

A burial right gives the Burial Right Holder the right to bury or place human remains in a specific site (plot).

What is a Burial Right Holder?

A Burial Right Holder is the person who holds the burial rights in relation to a site (plot) within a Council cemetery.

Can a Burial Right Holder be a family?

In the past, family names were used as the Burial Right Holder. However, since the *Local Law No. 7* was amended in 2024, the Burial Right Holder must be an individual.

What is a burial plot?

A burial plot is specific grave site within a cemetery. Each site has its own site number.

Do I own the burial plot ?

No, Council either owns the land in freehold, or is the Trustee of the land utilised for cemetery purposes in Cairns.

The Burial Right Holder purchases the right to be buried in a particular plot only. The purchase of a burial right does not convey freehold title to the land.

Where is Cairns Cemetery and is it the same as Martyn Street Cemetery?

Cairns Cemetery is also known as Martyn Street Cemetery. The Cemetery has entrances on James Street, Anderson Street, and Little Street, Manunda.

Voluntary Plot Buyback Program

Why is Council offering to buy back unused burial plots at Cairns Cemetery?

The available land for burials at Cairns Cemetery is extremely limited. Council is implementing several initiatives to increase the land available for future burials and the placement of ashes, so the lifespan of the cemetery is extended. One initiative is the Voluntary Plot Buyback Program.

The purpose of the buyback program is to assist in extending the life of the Cairns Cemetery in a way that considers a person's burial rights but balances this against the future needs of the community.

What plots do Council want to buy back?

The Voluntary Plot Buyback Program is focused on plots within the Cairns Cemetery which have been reserved for more than 25 years but remain unused. The Buyback program will establish whether these plots are still required by the Burial Right Holder, or if they can be returned to Council.

The plots returned to Council will become available for future burials, thereby increasing the lifespan of Cairns cemetery.

How many plots are you talking about?

Nearly 400 plots have been reserved for more than 25 years but remain vacant. The oldest reservation dates back to 1941!

How much will I get back if I surrender the burial rights of my site?

The Cemeteries Refund Scale will apply to all sites which are voluntarily surrendered:

If all the plots were surrendered to Council, how many years of burials would that provide for?
At the current burial rate, the availability of an additional 400 sites would extend the life of the cemetery by approximately 5 years.

What happens if I have the burial rights to a plot in another cemetery, or the burial rights are less than 25 year old. Can I still surrender the site during the buyback period and get a refund?
Yes, absolutely. If you would like to surrender a site, regardless of when the burial rights were purchased, or which cemetery, Council will be happy to buy back the burial rights for the plot and issue a refund. Please refer to the *Cemeteries Refund Scale* below to establish the refund payable.

What happens if I have the burial rights for the placement of ashes either in-ground or in a columbarium; or I have burial rights for a mausoleum crypt? Can I surrender these during the Buyback program period and get a refund?
Yes, absolutely. If the burial rights for a reserved site of any type are no longer required, they may be surrendered during the Voluntary Buyback program and a refund will be issued as per the *Cemeteries Refund Scale* below.

The only exception will be that privately built mausoleums and vaults will be excluded from the program.

YEARS SINCE PURCHASE	% OF CURRENT FEE	ADULT LAWN or MONUMENTAL SECTION	COLUMBARIUM SINGLE NICHE or IN-GROUND ASHES	COLUMBARIUM DOUBLE NICHE	MAUSOLEUM	VAULT
		CURRENT FEE \$3,000	CURRENT FEE \$1,000	CURRENT FEE \$1,500	CURRENT FEE \$15,500	CURRENT FEE \$3,500
0 – 5 years	75%	\$2,250	\$750	\$1,125	\$11,625	\$2,625
5 – 10 years	65%	\$1,950	\$650	\$975	\$10,075	\$2,275
10 – 15 years	50%	\$1,500	\$500	\$750	\$7,750	\$1,750
15 - 20 years	25%	\$ 750	\$250	\$375	\$3,875	\$875
20+ years	15%	\$ 450	\$150	\$225	\$2,325	\$525

The \$250 application fee for the Surrender or Transfer of a Burial Right will be WAIVED if the site is voluntarily surrendered or transferred during the buyback program period.

How do I get my refund and how long will it take to process?

You will need to complete relevant paperwork and return to Cemetery Services at Council. Once the correct paperwork has been received, the refund will be processed, and funds transferred into your nominated bank account within 30 days.

How long will the buyback program run for?

Strictly 6 months. The program will run from 1 December 2025 to 31 May 2026.

Why are there plots unused?

There are many reasons why a reserved plot might remain unused:

- families are unaware that the plot has been reserved
- the deceased and/or their partner have forgotten that they have reserved a plot
- the Burial Right Holder has relocated
- the Burial Right Holder's preference is now for cremation, not burial
- the Burial Right Holder has been interred elsewhere or cremated
- new family circumstances, i.e. a new partner, making utilising a plot within a previous family area less appealing
- the reserved plot was not listed as an asset in the Will and consequently was not transparently bequeathed
- there are no physical records of the reservation, so the family are unaware or cannot prove entitlement
- family has moved interstate and wish their relative to be buried close by
- whilst the Burial Right Holder may have remembered they owned the burial right, they did not apply to surrender it to Council because the refund was not worth the effort, or they were unaware that relinquishment was possible

How do I know if I've got a plot reserved?

1. Various records would have been provided at the time a site was reserved. This could have been a Reservation Confirmation or payment receipt. You will need to present this to Council, with identification, to confirm you are the Burial Right Holder.
2. You can check the list of sites which were reserved more than 25 years ago but remain vacant at Cairns Cemetery, with the Burial Right Holder's name, on Council's website: <https://haveyoursay.cairns.qld.gov.au/cairns-cemetery-burial-plot-buyback>
3. You can email cemeteriesbuyback@council.qld.gov.au and provide the Burial Right Holder's name, address and date of birth. Our Cemetery Services team will check our records for a reservation.

What happens if I know I have a site reserved but can't find the reservation confirmation?

You will need to provide proof of your identity and sign a Statutory Declaration declaring you are the Burial Right Holder.

Contact Cemetery Services on 1300 69 22 47 or email cemeteriesbuyback@council.qld.gov.au to discuss.

What happens if the Burial Right Holder has passed or is incapacitated, but I am the Burial Right Holder's rightful successor?

1. You will need to either prove your right of succession, or sign an Affidavit declaring you are the rightful Burial Right Holder
2. You will need to complete the *Transfer of Burial Rights* form if you would like to retain the site, or you will need to complete the *Request to Surrender Burial Rights* form if you would like to surrender the burial rights.
3. If you wish to retain the site, a Burial Right Permit will be issued for 25 years in accordance with *Local Law No. 7 (Human Remains and Cemeteries) 2016*.
4. If you wish to surrender the site, a refund will be paid, and Council will revoke the burial rights. The plot will be returned to Council as an available site to be reallocated in the future.

What happens if I am the Burial Right Holder or the Burial Right Holder's successor, but do nothing?

If you do not confirm that you would like to either retain the site or surrender the site by 31 May 2026, the burial rights for the site will be revoked in accordance with *Local Law No. 7 (Human Remains and Cemeteries) 2016* and the plot will be returned to Council as an available site to be reallocated in the future.

What happens to sites which have been reserved, but are 'unclaimed' during the Buyback program?

The site will be revoked in accordance with *Local Law No. 7 (Human Remains and Cemeteries) 2016* and the Plot will be returned to Council as an available site to be reallocated in the future.

What gives Council the right to revoke unused sites that have been reserved for more than 25 years?

Council does not, as part of its ordinary practice, revoke a person's burial rights. But when required, the revocation or surrender of burial rights will be undertaken in accordance with *Local Law No. 7 (Human Remains and Cemeteries) 2016*.

Subsection (7) of *Local Law No. 7* provides that if an approval was given more than 25 years before the commencement of the section, i.e. on or before 30 June 1999, then those rights will automatically be revoked to Council if:

1. no human remains have been buried within the site;
2. Council gives reasonable written notice to the Burial Right Holder; and
3. the Burial Right Holder has not responded to Council within the timeframe specified in the notice.

"Reasonable Written Notice" is defined under subsection (9) and essentially means:

- if Council has a current contact address for the Burial Right Holder, by writing to them at that address; or
- if Council does not have a current address, by publishing a notice in a newspaper (circulating generally in the Council area) and on Council's website.

Council has committed to an extensive marketing program to reach as many possible Burial Right Holders or their families as possible during the 6 month notification period.

What happens if I miss the 6 month Voluntary Buyback Program window and my site has been revoked and I really wanted to retain it / or surrender it for a refund?

Given that Council is committed to an extensive advertising campaign to communicate the Buyback program over a 6 month public notification period, Council can offer the following:

Retain site:

You may be able to purchase back the original site reserved if it is still available. You will need to complete an application to *Purchase Burial Rights* and pay the applicable fees.

If your original site is not available, Council will offer an alternative site in a similar section, if available. You will need to complete an application to *Purchase Burial Rights* and pay the applicable fees.

Surrender site

The Plot will have been revoked by Council on 31 May 2026 if we have not had written confirmation of your intent for the Plot. No refund will be payable after the program end date of 31 May 2026.

I want to respond or I want to speak to someone

I am the Burial Right Holder and want to RETAIN the site

1. Please contact Cemetery Services on 1300 69 22 47 or email cemeteriesbuyback@council.qld.gov.au and confirm that you are the Burial Right Holder and would like to retain the site.
2. You will be required to complete the *Application to Purchase Burial Rights* form
3. A Burial Right Permit will be issued for 25 years in accordance with *Local Law No. 7 (Human Remains and Cemeteries)* 2016.

I am the Burial Right Holder and want to SURRENDER the site

1. Please contact Cemetery Services on 1300 69 22 47 or email cemeteriesbuyback@council.qld.gov.au and confirm that you are the Burial Right Holder and would like to surrender the site.
2. You will be required to complete the *Request to Surrender Burial Rights* form
3. The refund amount payable will be deposited into your nominated bank account within 30 days.

Who do I contact if I want to discuss this matter?

Please call 1300 69 22 47 or email cemeteriesbuyback@council.qld.gov.au. A member of the Cemetery Services team will be happy to help.