



City of Port Lincoln

Template No 16-16-T16

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STATEMENT REGARDING INTERMENT RIGHT

Section 30(2) *Burial and Cremation Act 2013*

You have made application to the City of Port Lincoln ('the Council') seeking the grant of an interment right to inter remains in a burial site in the following cemetery:

.....
Before granting you an interment right, pursuant to section 30(2) of the *Burial and Cremation Act 2013* (the Act) the Council provides you with this Statement. The purpose of this Statement is to set out:

- the matters required by law to be included in the interment right; and
- the rights and responsibilities of the Council and relatives of the deceased person whose remains may be interred pursuant to the interment right in relation to any memorial to the deceased person; and
- the cost of the interment right.

The interment right authorises you to inter human remains in a burial site in the cemetery specified above.

I. INFORMATION REGARDING INTERMENT RIGHTS

The following are the matters that must be included in the interment right:

1. the identity of the person to whom the interment right is issued; and
2. the identity of the person(s) whose remains may be interred pursuant to the interment right or provides that a specified person may at some time, nominate the person(s) whose remains may be interred pursuant to the interment right; and
3. the location of the site at which remains may be interred pursuant to the interment right; and
4. the period for which the interment right is granted; and
5. the rights to renew the interment right; and
6. details as to whether the interment right may be cancelled or transferred and any conditions governing its cancellation or transfer.

Where an interment right is issued, the Council is obliged to:

- permit the interment of the remains of the person to whom it relates at the site identified in, or determined in accordance with, the interment right; and
- permit a memorial to the deceased person to be erected at the site with the approval of the relevant authority and in accordance with the terms of the interment right; and

- leave the remains undisturbed at that site for so long as the interment right remains in force; and
- leave any memorial to the deceased person lawfully erected at that site, with the permission of the relevant authority, undisturbed (provided that the interment right remains in force and the memorial is kept in good repair).

II. RIGHTS & RESPONSIBILITIES REGARDING MEMORIALS

The rights and responsibilities of the Council and relatives of the deceased person whose remains may be interred pursuant to the interment right in relation to any memorial to the deceased person are as follows:

- the Council's approval must be obtained to erect any structures or objects on the burial site subject of the interment right. Any structure or object erected thereon must comply with any applicable Council guidelines or Policy;
- the Council does not assume responsibility or liability for any loss or damage to any structures or objects erected on the burial site;
- The holder of an interment right in respect of an interment site is responsible for the maintenance of a memorial;
- a memorial to a deceased person is the personal property of the person who holds the interment right in respect of the interment site where the memorial is situated. However, the Council may deal with and dispose of the memorial in accordance with the Act, which includes as follows:
 - if a memorial is or becomes unsafe, the Council may issue a notice to the owner of the memorial to require the repair, removal or reinstatement of the memorial within the period specified in the notice. If the required work is not carried out within the time allowed, the Council may carry out the work itself and recover the cost of doing so as a debt from the owner of the memorial; and
 - if a memorial is unsafe and urgent action to repair, remove or reinstate the memorial is considered necessary by the Council, the Council may, without notice to the owner of the memorial, carry out the necessary work itself and recover the cost of doing so as a debt from the owner; and
 - where an interment right has expired, the Council may dispose of any unclaimed memorials on the burial site in accordance with section 42 of the Act. This section provides that:

If—

- a. 2 years or more have elapsed-*
 - i. since an interment site in a cemetery or natural burial ground has expired; or*
 - ii. since a cemetery was dedicated as park lands or converted into a public park or garden; and*
- b. a memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and*
- c. the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial—*
 - i. by public advertisement in a newspaper circulating throughout the State; and*
 - ii. ii) by written notice affixed to the memorial; and*
- d. the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and*

e. 6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,

the relevant authority may remove the memorial from the cemetery or natural burial ground and dispose of it as it thinks fit.

III. COST OF INTERMENT RIGHT

The fee payable for the grant of an interment right is \$.....

This fee is reviewed by the Council and is subject to change. The fee is payable in full to the Council when an application for an interment right is made.

The interment right commences from the date that the fee is paid. A request may be made to the Council to pay the fee in instalments, in which case, the Council may, in its absolute discretion, agree to enter into a payment plan with the person making application for the interment right.