



City of Port Lincoln

Template No 16-16-T13

Address: Level One, Civic Centre, 60 Tasman Terrace, Port Lincoln SA 5606
Postal Address: PO Box 1787, Port Lincoln SA 5606
Email: plcc@plcc.sa.gov.au **Web:** www.portlincoln.sa.gov.au
Telephone: (08) 8621 2300

TRANSFER OF INTERMENT RIGHT

Cemetery:	Section:	Row:	Allotment No:
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I do solemnly and sincerely declare that:

I, (full names)
(Interment Right Holder **OR** Authorised Person (see below))
of (address)
Email Phone

Being (indicate *✓*, one only as applicable)

☐ the registered Interment right holder; or

If the holder of the Interment Right has died, the personal representative of the deceased Interment Right Holder, being a person aged 18 years or more who; (*see page 3 for supporting documentation to be provided*).

- ☐ is the executor of the estate of the deceased Interment Right Holder; or
☐ a joint executor acting with the permission of all the other executors; or
☐ the administrator of the estate of the deceased Interment Right Holder; or

If there is no personal representative by the;

- ☐ surviving spouse or; (Evidence required: Death Certificate, Marriage Certificate, Photo ID)
☐ surviving domestic partner. (Evidence required: Death Certificate, Statutory Declaration, Photo ID)

If there is no surviving spouse or domestic partner, by the eldest living relative of the deceased Interment Right Holder in the following descending order of priority; (*see page 3 for supporting documentation to be provided*).

- ☐ a child;
☐ a grandchild or great-grandchild;
☐ a brother or sister;
☐ a parent;
☐ a grandparent;
☐ an aunt or uncle;
☐ a nephew or niece;
☐ a cousin;
☐ any other blood relative.

Having provided proof of my identity (Council has the right to request proof of the relationship and entitlement of any person claiming a substituted right as above).

****If anyone comes forward with a higher entitlement, the Interment Right will be revoked and reissued in accordance with the rules, regulations and policies of the City of Port Lincoln.***

Do hereby transfer to

(Mr/Mrs/Ms) (full names)
of (address)
Email Phone

the right, title and interest in the Interment Right. The said Interment Right is unencumbered and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act, 1936*.

Signed
(Interment Right Holder or Authorised Person to sign in front of a Justice of the Peace or Proscribed Police Officer)

To be completed by a Justice of the Peace/Proscribed Police Officer

Declared and subscribed at
this day of
Before me (name)
A Justice of the Peace/Proscribed Police Officer(signed)

I (Transferee)
hereby accept the transfer of the above Interment Right to my name.

Signature Date

Office Use Only

Cemetery:	Interment Right No:	Burial No/s:
Section:	Row:	Allotment No:
Name of Person Interred in this site:		
Name of Current Interment Right Holder:		

Order of Entitlement

- (a) *The registered Interment Right Holder* – the name which appears on the existing, current interment right has exclusive rights to exercise a transfer.
- (b) Upon the death or legal incapacity of the Interment Right Holder, one of the following persons, as defined as the *personal representative* in the *S.A. Burial and Cremation Act 2013*, is entitled to exercise the rights granted to the Interment Right Holder.
- The Executor of the Interment Right Holder – one person solely responsible for conducting the affairs of the deceased or legally incapacitated registered Interment Right Holder.
 - A joint Executor, with written permission from all other executors, of the Interment Right Holder.
 - The administrator of the estate of the deceased Interment Right Holder.

Note: The City of Port Lincoln will require copies of relevant authorising documents to be provided i.e. Will & Testament extracts or Power of Attorney;

If there is no *personal representative*, one of the following persons entitled to exercise the rights granted to the Interment Right Holder upon their death or legal incapacity, as defined in the *Burial and Cremation Regulations 2014*, then the *surviving spouse or surviving domestic partner* (as defined in the *Family Relationships Act 1975*).

If there is no surviving spouse or domestic partner, the eldest living and legally capable relative of the deceased Interment Right Holder in the following descending order of priority:

- | | |
|--------------------------------------|------------------------------|
| 1. A child; | 6. An aunt or uncle; |
| 2. A grandchild or great-grandchild; | 7. A nephew or niece; |
| 3. A brother or sister; | 8. A cousin; |
| 4. A parent; | 9. Any other blood relative. |
| 5. A grandparent; | |

Note: The City of Port Lincoln will require copies of relevant authorising documents to be provided i.e. Death Certificate, Birth Certificate or Statutory Declaration;

Instructions for Completion of the Transfer of Interment Right

The section of the form commencing '**I do solemnly and sincerely declare that:**' is to be completed by the registered Interment Right Holder or the highest ranking person in the devolvement table (*see above*).

The section of the form commencing '**do hereby transfer** to (Mr / Mrs / Ms)' is to show the full name and mailing address of the person accepting the transfer. The registered Interment Right Holder or highest ranking person in the order of entitlement (*see above*) may transfer the Interment Right to any other person, eg, family member, trustee, friend, who has an interest in and is willing to accept all rights and responsibilities for the burial/memorial position noted on the reverse of this document.

As this is a legal document, the signature of the currently registered Interment Right Holder or the highest ranking person in the order of entitlement is to be witnessed by a Justice of the Peace or Prescribed Police Officer.

The bottom section of the page is to contain the full name and signature of the person accepting the responsibilities associated with being the new registered interment right holder of the burial/memorial position as noted on the reverse of this document.

****Please forward completed application to:**
Attn: Cemetery Officer
City of Port Lincoln, PO Box 1787 PORT LINCOLN SA 5606
or by email to: plcc@plcc.sa.gov.au



City of Port Lincoln

Template No 16-16-T17

Address: Level One, Civic Centre, 60 Tasman Terrace, Port Lincoln SA 5606
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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:

North Shields 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, removes 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. *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

Refer to the City of Port Lincoln Fees & Charges Schedule for the amount payable for the grant of an interment right.

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 a payment plan with the person making application for the interment right.