



City of Port Lincoln

Template No 16-16-T17

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INTERMENT RIGHT

Section 30(1) *Burial and Cremation Act 2013*

<p>The Holder of the Interment Right (the Applicant):</p> <p>Note: This is the person to whom the interment right is issued and who may exercise the right.</p>	<p>Applicant Full Name:</p> <p>Ph: Email:</p> <p>Postal Address:</p> <p>Suburb: State: Postcode:</p>
<p>Details of Deceased (where known)</p> <p>Note: If this person is unknown at the time the interment right is issued record <i>'the person to be nominated by the Applicant at a later date'</i>:</p>	<p>Full Name:.....</p> <p>DOB:..... Birthplace:</p> <p>DOD: Age: Gender: M F</p> <p>Last Address:</p> <p>Place of death:</p> <p>Deceased's relationship to Applicant:</p>
<p>Fee:</p>	<p>\$</p>
<p>Cemetery:</p> <p>Description of Burial Site</p>	<p>.....</p> <p>Section: Row: Allotment:</p>
<p>Commencement Date</p>	<p>.....</p>
<p>Period for Which Interment Right Granted:</p>	<p>..... years, expiring on.....</p>

THIS INTERMENT RIGHT IS GRANTED SUBJECT TO THE CONDITIONS OVERLEAF

CONDITIONS OF INTERMENT RIGHT

1. The Right is issued pursuant to the *Burial and Cremation Act 2013* (the Act). It confers a right on the Applicant to inter the remains of the Deceased at the burial site described therein for the period specified. The right commences on the date specified in the Right once the Applicant has paid the fee to the Council or as may otherwise be determined by the Council.
2. The Applicant is responsible for all costs associated with arranging an interment including the costs associated with erecting any memorials on the burial site. 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
3. The Right may only be exercised by the Applicant. In the case of incapacitation or death of the Applicant, the Applicant's **personal representative** as defined under the Act (being the Executor or Administrator of the Deceased Applicant's Estate) may exercise the Right. If there is no personal representative, the Right may be exercised in accordance with regulation 32 of the *Burial and Cremation Regulations 2014* (the Regulations) by:
 - 3.1. the spouse or domestic partner of the Applicant; or
 - 3.2. if there is no surviving spouse or domestic partner, by the eldest living relative of the Applicant as per the following descending order of priority: child, grandchild or great-grandchild, brother or sister, parent, grandparent, aunt or uncle, nephew or niece, cousin and finally, any other blood relative.
4. The Applicant may renew the Right for a further term of not less than 5 years as may be agreed with the Council prior to its expiry. An application for renewal of the Right must be made in writing to the Council and be accompanied by the relevant fee as determined by the Council and set out in its Schedule of Fees and Charges.
5. The Applicant may, with the Council's consent, transfer the Right to another person. An application to transfer a Right must be in writing in the form specified by the Council. In the event of the death of the Applicant the Right forms part of the Deceased's estate and is to be dealt with in accordance with any valid will or any applicable Court Order.
6. The Applicant will not erect any memorial on the burial site subject of the Right without having first obtained permission from the Council. Any structure or object erected thereon must comply with any applicable Council Guidelines or Policy. The Applicant is responsible for the maintenance of any memorial erected on the burial site.
7. The Applicant acknowledged and agrees that the Council will have no responsibility or liability for any loss or damage to any memorial erected on the burial site subject of the Right.
8. The Applicant must comply with the provisions of all Acts, regulations, by-laws and all directions and orders of the Council in relation to the Applicant's use of the burial site.
9. The Applicant may apply to the Council to inter additional remains in the plot. The Council may grant multiple interment rights with respect to a single burial site at its absolute discretion and subject to any conditions it considers appropriate.
10. The Applicant may surrender the Right by notice in writing to the Council. If the right has been exercised (i.e. the Deceased's remains have been interred at the burial site) then the Applicant is not entitled to a refund of any fees paid. If the Right is unexercised the Council will refund the Applicant an amount calculated in accordance with section 34(2) of the Act and regulation 31 of the Regulations.
11. In the event the Right expires and is not renewed, the Council is entitled to:
 - 11.1. re-use the burial site under section 38 of the Act and will manage the burial site as it sees fit and in accordance with its legal obligations;
 - 11.2. dispose of any unclaimed memorials on the burial site in accordance with section 42 of the Act.

APPLICANT ACKNOWLEDGMENT

I agree that I have read and understood the Conditions of the Interment Right and I have received a copy of the Interment Right Plain English Statement:

Signed: **Dated:**.....

Print name:

Office Use - Interment Right issued	
Delegate:	Signed:
Date:	Interment Right Number: