



Name	CEM02 Rights of Interment
Policy Type	Council
Responsible Officer	Thorak Cemetery Manager
Approval Date	16/05/2018
Review Date	20/05/2022

### 1. Purpose

This policy outlines how rights of interment are to be administered and what conditions apply.

### 2. Scope

This policy applies to all applications for rights of interment.

### 3. Definitions

For the purposes of this Policy, the following definitions apply:

Interment	The placement of human remains in a vault, columbarium, mausoleum or other structure designed for the placement of such remains, or the burial of human remains directly in the earth or in a container.
Interment Rights	Granted by the Board in exchange for the purchase of the right to inter in an interment site at Thorak Regional Cemetery.
Interment Rights Holder	The person registered as having Interment Rights for an interment site.
Memorial	Any structure, whether a mausoleum, monument, vault, tombstone, headstone, gravestone, plaque, kerbing or other construction placed on, over, in or around an interment site.

### 4. Policy Statement

#### 4.1. General

Any person may purchase a right to inter in a site of interment at Thorak Regional Cemetery by applying to the Board on the prescribed form, paying the set fee and complying with any terms and conditions imposed by the Board.

#### 4.2 Placing a Hold on an Interment Site

A person can place a hold on a selected site of interment for a fee as set in the annual fees and charges schedule by resolution of the Board. This fee is non-refundable. A hold is valid for a period of 3 months, by which time the full purchase price for the interment rights must be paid. If the hold

period of three months has been exceeded and the person who placed the hold is unable to be contacted and has not paid the full purchase price, the hold will lapse. A hold may be extended for a further three months for a fee. A hold must not exceed six months in total.

Prior to the induction of this policy reservations for Exclusive Rights were unlimited. This policy will allow for those reservations to transition over a twelve months period from initial approval of this policy to a hold on an Interment Site. Should the owner of the reservation choose not to convert into a hold on an Interment Site, a refund as per terms for Exclusive Rights will apply.

### **4.3 Rights of Interment**

A person who purchases a site for interment, whether for immediate or future use, is known as the interment rights holder. Interment rights do not grant the holder ownership over that piece of land. Interment rights give exclusive entitlement to the holder to inter the remains of a nominated deceased person in the allotted site of interment and to place an approved memorial at the site as per the Memorials Policy. It is the responsibility of the interment rights holder to ensure the upkeep of any memorials installed as per the Memorials Policy.

### **4.4 Conditions of Rights of Interment**

- 4.4.1 The interment rights holder must abide by all expressed expectations of the Board. Failure to do so may result in cancellation of their interment rights. No refund will be given should this occur.
- 4.4.2 No person shall be entitled to obtain an exclusive right of interment for more than eight sites of interment in the cemetery except with the prior written permission of the Board.
- 4.4.3 The interment rights holder is required to ensure the Board is notified of any changes to the holder's contact details.

Any notice sent to an interment rights holder at the last address on file will be considered sufficient and proper legal notification in relation to any matter concerning their interment rights.

- 4.4.4 The Board, by resolution, may determine further terms and conditions for the sale of rights of interment, including the price and size of the site of interment. The Board reserves the right to refuse to grant interment rights.

### **4.5 Certificate of Interment Rights**

Evidence of the pre-need purchase of rights of interment shall be recorded on a certificate of purchase, which shall include the location and size of the site of interment. A duplicate certificate may be issued on payment of a fee as fixed by the Board.

### **4.6 Register of Rights of Interment**

All details will be entered on purchase into the Thorak Regional Cemetery's Register of Rights of Interment.

### **4.7 Transfer of Rights of Interment**

- 4.7.1 A holder of exclusive rights of interment where no interment has taken place may transfer that right to any other person while the interment rights are current.
- 4.7.2 Upon the death or legal incapacity of the interment rights holder, the rights granted may be transferred to any of the deceased's next of kin in order of seniority:
- a. spouse or de facto partner. Where a person is survived by both a spouse and a de facto partner, the spouse will take seniority unless the de facto partner was in a continuous de facto relationship with the deceased for a period of more than two years immediately preceding the deceased's death and the deceased did not at any time during that period live with the spouse the deceased is survived by children he/she had with the de facto partner.
  - b. children over the age of 18 years. However, if there is a dispute between the children, then the oldest surviving child of the deceased.
  - c. parents and both need to agree.
  - d. Siblings of the deceased who are over 18 years. If there is a dispute, then the oldest surviving sibling of the deceased.
  - e. where a person is an Aborigine – a person who, according to the customs and tradition of the Aboriginal community or group to which the person belongs, is an appropriate person.
  - f. where none of the above relations exist the senior next of kin will be a person who, immediately prior to the death of the deceased person, had a relationship with the deceased person that, in the opinion of the Board, is sufficient for the purpose of being the senior next of kin.
- 4.7.3 To affect a transfer, a Transfer of Interment Rights Declaration must be completed, accompanied by the required documentation and fee prescribed by the Board.
- 4.7.4 A record of the transfer will be entered in the Rights of Interment Register, the transfer noted on the certificate and a certificate issued to the transferee.

#### **4.8 Surrender of Rights of Interment**

- 4.8.1 If the holder wishes to surrender their interment rights, the Board may obtain from the holder, on presentation of proof of purchase, the exclusive rights of interment at the cost of the original purchase minus a minimum of 25% plus an administrative fee as determined by resolution of the Board.
- 4.8.2 Where a person has been interred in a site and the remains have subsequently been removed, the site may be reused. A right of burial certificate will be issued. The site can also be reallocated by the Board if there are no existing interment rights.

### **5 Associated Documents**

Thorak Regional Cemetery Annual Fees and Charges

CEM03 Memorials Policy

Exclusive Rights of Interment Register  
 Application to Hold a Site of Interment Form.  
 Right of Interment Application Form  
 Interment Rights Certificate  
 Cancellation of Right of Interment Form  
 Transfer of Exclusive Rights Form  
 Statutory Declaration

## **6 References and Legislation**

Northern Territory Local Government Act  
 Coroners Act  
 Cemeteries Act  
 Births Deaths and Marriages Registration Act

## **7 Review History**

<b>Date Reviewed</b>	<b>Description of changes (Inc Decision No. if applicable)</b>
21/03/2018	Initial Adoption of Policy (Decision Number 1718/198)
16/05/2018	Revised conditions of rights of interment (Decision Number 1718/230)