



Name	CEM02 Rights of Interment
Policy Type	Council
Responsible Officer	Cemetery and Parks Program Leader
Approval Date	18/01/2022
Review Date	17/01/2026

### 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.
Exclusive Rights	Granted by the Board in exchange for the purchase of the right to inter in an interment site at Thorak Regional Cemetery.
Exclusive Rights Holder	The person registered as having Exclusive 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

- 4.1.1 Any person may purchase a right to inter in a site of interment at Thorak Regional Cemetery by applying to the Board for approval 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

- 4.2.1 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 Exclusive

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.

#### 4.3 Rights of Interment

- 4.3.1 A person who purchases a site for interment, whether for immediate or future use, is known as the Exclusive rights holder. Exclusive rights do not grant the holder ownership over that piece of land. Exclusive 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 Exclusive rights holder to ensure the upkeep of any memorials installed as per the Memorials Policy.
- 4.3.2 On application to the Board a person who purchases two or more adjoining plots may apply to have an interment centrally within the plots, or a singular burial in one plot, with the intention of having no further burials within the adjoining plots.
- 4.3.3 Interment fees will be charged at the time of sale of Exclusive rights to cover the loss of interment fees for the plots that have been designated by the Exclusive rights holder as not to be utilised for interment.
- 4.3.4 Should the Exclusive rights holder decide at a later date to utilise the unused plot then the sum of the difference between the original paid interment fee and current fee shall be paid prior to interment.

#### 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

- 4.5.1 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

- 4.6.1 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.
- 4.8.3 Where a single plot has been reserved and not been utilised for burial over an extended period of time (25 + years) and all efforts to contact the Exclusive rights holder or next of kin in order of seniority have been unsuccessful, then the Board may reclaim the interment rights of the plot.
- 4.8.4 Should a person subsequently present with an Exclusive Right certificate, proof of purchase or next of kinship, the entitled Exclusive rights holder may claim the cost of the original fee minus a minimum of 25% plus an administrative fee as determined by resolution of the Board. Alternatively, the Exclusive rights holder may be offered an alternative interment site as mutually agreed.

## **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 (Section 269)

Northern Territory Cemeteries Act (Regulations section 18)

**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)
18/01/2022	Inclusion of option for multiple sites for single burial, inclusion of provision to resume unused exclusive rights.