

# Transfer of Interment Right Application 23/24



| If you need help lodging your form, contact us |  |
|--|--|
| Email  | cemeteries@northernbeaches.nsw.gov.au                                |
| Phone  | 1300 434 434   |
| Cemeteries                                     | Manly Cemetery<br>Griffiths Street, Manly NSW 2095                   |
|  | Mona Vale General Cemetery<br>107 Mona Vale Road, Mona Vale NSW 2103 |

| Office use only |           |
|-----------------|-----------|
| Form ID         | 4109      |
| TRIM Ref.       |           |
| Last updated    | July 2023 |
| Business unit   | Property  |
| Receipt No.     |           |

| Privacy Protection Notice |   |
|---------------------------|---|
| Purpose of collection     | For Council to provide services to the community  |
| Intended recipients       | Northern Beaches Council staff  |
| Supply                    | If you choose not to supply your personal information, it may result in Council being unable to provide the services you seek |
| Access/Correction         | Please contact Customer Service on 1300 434 434 to access or correct your personal information                                |

| Privacy Declaration  |  |
|--|--|
| <p>Information collected on this form is held in accordance with the Privacy and Personal Information Protection Act 1998. Personal information is collected for a lawful purpose that directly relates to our primary function of providing cemetery/cremation services in accordance with the Cemeteries and Crematoria Act 2013. We will not collect any more information than is necessary to fulfil these functions. Except as necessary to carry out these functions, we will not disclose your personal information to anyone without your consent unless legally required to do so. We will take all reasonable steps to protect the security of any personal information held, be it stored in electronic or hard copy format. You may request access to your personal information held by us, except in the circumstances set out in Part 2, Division 3 of the Privacy and Personal Information Protection Act 1998.</p> |  |

## Part 1: Transfer Of Interment Rights

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| <p><b>What Is An Interment Right?</b></p> <p>When you "buy a grave or memorial niche" at Mona Vale or Manly cemetery you don't own the land, you are actually purchasing a right to use that site for a human burial in perpetuity.</p> <p>The right or "Interment Right" as it is known allows the owner or any person they nominate to be buried in that burial site over which they are the registered owner or "Holder".</p> <p>The Holder of the Interment Right can authorise the placement of a monument or inscription on that burial site.</p> <p>An Interment Right for a memorial operates in a similar way except that it generally applies to the interment or placement of cremated human remains including burial of cremated human remains in a memorial garden or wall niche.</p> <p><b>What Happens When The Holder Dies?</b></p> <p>If there is only one Holder, when they die the Interment Right becomes part of their Estate, and their Executor should contact Council to transfer the Right as per the instructions left in the Will.</p> <p>If the Holder held the Interment Right in joint names, the Right will revert to the surviving Holder. It is not generally necessary to complete a transfer application unless the deceased Holder was not interred at Mona Vale or Manly Cemetery.</p> <p>If there is no Will, then the assets including the burial site or memorial will normally be distributed as per the laws of intestacy.</p> |
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## Part 1: Transfer Of Interment Rights continued

### Why Should I Transfer The Interment Right?

You will not be thinking about it now, but in the future you or a member of your family may wish to use the site for another burial or for the placement of ash remains. It may even be possible to apply for permission to inter a third person in a burial site, known as a "Shallow Burial", subject to special approval from NSW Health.

Keeping the ownership of the Interment Right up to date makes it possible for subsequent generations to use the burial site or memorial and also to update or maintain any memorials upon it.

### Documents Required

Applicants must prove their entitlement to the interment right/s by providing copies of relevant documents such as the Grant of Probate, Letters of Administration and Statutory Declaration as well as a Death Certificate and proof of identity. A family tree diagram may be requested to show your link to the original Interment Rights Holder and determine whether relatives have an equal or better claim to the rights. Please consider which of the following scenarios applies to your situation.

#### 1.1 Transfers of Interment Right/s requested by a current (living) Interment Right Holder

The current Holder/s may direct Council to transfer the interment rights by providing a Statutory Declaration (signed by an authorised witness such as a J.P.) detailing their wish to transfer the Right/s to another person including the relevant contact details of the person/s in question including their name, address, DOB, phone and email address. A copy of the original cemetery purchase receipt and/or Interment Rights Certificate should also be attached if available.

A person holding a Power of Attorney may act for the Interment Right Holder but must produce a copy of the POA as well as the Statutory Declaration noted above.

#### 1.2 Transfers of Interment Rights by Executor or appointed Administrator of deceased Holder's Estate

The Executor/s of an Estate may apply for the transfer of the Interment Right/s into their name or the name/s of a beneficiary/ies. A copy of the Probate or Letters of Administration must accompany a Statutory Declaration (signed by an authorised witness such as a J.P.) detailing their wish to transfer the Interment Right /s with contact details of person/s they wish to transfer to - including their name, address, DOB, phone and email address. A copy of the original cemetery purchase receipt and/or Interment Rights certificate should also be attached if available.

#### 1.3 Transfers of Interment Rights by next of kin where Holder died intestate

The Interment Rights are considered to be an asset of the Estate and will generally be distributed according to the laws of intestacy. In the event of a dispute Council may recommend that families seek their own legal determination on the matter in its absolute discretion.

The following documents will be required to support the claim including:

- a Death Certificate for the original Interment Right Holder listing their spouse and/or children (if applicable)
- a family tree diagram detailing the link between the Applicant and the Holder, and any other relatives in between - including their dates of death
- a Statutory Declaration outlining the reasons for the transfer e.g. "My Grandfather John was the original Rights Holder. His wife and children have all died and I am his only surviving grandchild. I wish to claim the rights so that I can have a monument built for my Grandfather. "

#### 1.4 Proof of Identity

Prospective Holders of an interment right who are not Northern Beaches Council ratepayers must provide proof of identity in the form of two official documents, one of which must provide photo identification. These may include a passport, licence issued under Australian law (driver licence or other government issued licence), birth certificate/citizenship certificate, credit card, EFTPOS card, Medicare card or membership to a registered club. A scanned copy of the ID will be accepted.

#### 1.5 Fees

An administration fee applies to all transfers, unless associated with a recent interment or application for monumental work (within 12 months). The fees are detailed on our current fees and charges schedule.

#### 1.6 Interment Rights Certificate to be issued by Council

An Interment Right Certificate will be issued to the new Holder/s upon approval of the application and full payment of applicable fee.

*Note: Council has a program to "buy back" unused and surrendered Interment Rights at a set price, listed in the Fees and Charges schedule each year. Depending on the situation, some or all of the above paperwork may be required in order to finalise this type of transfer. Please see Form 4141.*

### Part 3 : Permission

|  |                        |           |           |
|--|------------------------|-----------|-----------|
| 2.1 Burial Site Or Memorial Site Location Details      |                        | Mona Vale | Manly     |
| Grave Denomination                                     |                        |           |           |
| Section  |                        |           | Site No/s |
| And/or   | Memorial Niche Section |           | Site No/s |
| Name/s of previous interments (including Ash Remains): |                        |           |           |
| 1.   |                        |           |           |
| 2.   |                        |           |           |
| 3.   |                        |           |           |
| 4.   |                        |           |           |

|   |  |              |
|---|--|--------------|
| 2.2 Original Interment Rights Holder Details (if not the applicant) |  |              |
| Name  |  | is deceased? |
| Last known address  |  |              |

|  |     |        |  |
|--|-----|--------|--|
| 2.3 Applicant Details  |     |        |  |
| Name (Mr/Ms/Mrs/Miss/Dr)   |     |        |  |
| Are you the current Interment Rights Holder?                                   | Yes | No     |  |
| Relationship to Original Interment Rights Holder:<br>(if not one and the same) |     |        |  |
| Address  |     |        |  |
| Postal address   |     |        |  |
| Phone  |     | Mobile |  |
| Email  |     | DOB    |  |

|  |  |        |  |
|--|--|--------|--|
| 2.4 Proposed New Interment Rights Holder (if not the Applicant in 2.3 above) |  |        |  |
| Name   |  |        |  |
| Relationship to Original Interment Rights Holder                             |  |        |  |
| Address  |  |        |  |
| Postal address   |  |        |  |
| Phone  |  | Mobile |  |
| Email  |  | DOB    |  |

2.5 Secondary Contact/Next of Kin - this person has no claim over the Interment Rights - but may assist Council to contact Holder if address or other details have changed

|                             |  |     |  |
|-----------------------------|--|-----|--|
| Name                        |  |     |  |
| Relationship to applicants: |  |     |  |
| Address                     |  |     |  |
| Postal address              |  |     |  |
| Phone                       |  |     |  |
| Mobile                      |  |     |  |
| Email                       |  | DOB |  |

#### 2.6 Instructions For Future Interments

|  |                    |                         |  |
|--|--------------------|-------------------------|--|
| Do you wish to nominate who can be interred in this grave in the future? | No – no nomination | Yes – as per list below |  |
| Name   |                    | Date of Birth           |  |
| Name   |                    | Date of Birth           |  |
| Name   |                    | Date of Birth           |  |
| Name   |                    | Date of Birth           |  |
| Name   |                    | Date of Birth           |  |
| Name   |                    | Date of Birth           |  |
| Name   |                    | Date of Birth           |  |
| Name   |                    | Date of Birth           |  |

### Proof of identity

|                                      |                                     |   |
|--------------------------------------|-------------------------------------|---|
| Is applicant a NB Council ratepayer? | Yes - no proof of identity required | No - Council Officer to tick and initial at least two types of ID sighted |
| Passport                             |                                     | Drivers Licence   |
| Birth Certificate                    |                                     | Credit Card   |
| EFTPOS Card                          |                                     | Medicare Card   |
| Club Membership Card                 |                                     | Tertiary Education Card   |
| Pension Card                         |                                     | Healthcare Card   |

## 2.7 Northern Beaches Council - Cemetery Terms and Conditions

1. An Interment Right is a contract with the cemetery operator that allows interments of human remains to take place in a particular location in a cemetery.  
There is no entitlement to any real estate.
2. The Interment Right application fee does not include extras, e.g. interment site digging, maintenance fee, memorial permit fee, other administrative charges.
3. Interment Rights issued to multiple applicants are held jointly. On the death of a joint holder of an Interment Right, it passes on to the remaining joint Interment Right holder/s.
4. A certificate will be issued to the holder/s as proof of ownership and may be requested when booking an interment service. A replacement certificate may be issued if the original certificate is lost, stolen or destroyed, on application and payment of the Cemetery Operator's associated fee.
5. No more than two (2) unused Interment Rights in a cemetery can be held for any individual person, without the approval of the Cemetery Agency (CCANSW)
6. The Interment Right holders' preferred funeral director or other designated person is responsible for coordinating the interment and funeral arrangements (including compliance with Council's policies and applicable regulations).
7. A memorial to the deceased person can be erected upon the interment site, subject to the following:
  - a. The memorial is of a type allowed under Council's policy/procedures/requirements in that specific interment section;
  - b. No memorial may be erected without Council's prior written approval; and
  - c. No existing memorial may be altered or removed without Council's prior written approval
8. Council reserves the right to refuse permission for any proposed memorial construction or alteration in its absolute discretion without assigning any reason. Council has the right (but not the obligation) to remove any unapproved memorial or alteration without notice to any person.
9. Council may accept and process any application concerning an Interment Right from any person/s declaring they are authorised to do so (upon provision of written or documentary evidence satisfactory to the Council and payment of the associated fee).
10. Council may repurchase unused Interment Rights from the holder/s in accordance with Council's then current policy.
11. The purchase of interment rights may be cancelled upon application and will be subject to a cancellation fee.
12. Any unused Interment Rights of a deceased Holder can be transferred pursuant to the will or intestacy of a deceased Interment Rights holder. In this instance, the transfer of the Interment Right is only operative when a Transfer of Interment Right Application is submitted with payment of the associated fee, and approved and processed by Council.
13. Monument ownership and all the responsibilities therein, reside with the Interment Right holder/s or interred deceased's Executor/heirs and successors to the interment site where they have erected a monument. Monuments erected by Council are the responsibility of Council.
14. Graves can usually be dug to a depth to accommodate two coffins. However, occasionally, due to rock or stability problems not evident prior to commencement of digging the grave, ground conditions may not allow for burial in an allocated plot. In these circumstances an alternate plot will be allocated.
15. Glass or other items such as pot plants placed upon, around or in front of the grave or memorial area that Council deems to be a safety hazard are not permitted and if necessary may be removed without notice to any person.
16. Council reserves the right to review and/or amend these Terms and Conditions, its holdings, interment sites and property within its cemeteries at any time, without notice to you.
17. Additional information is available in the Cemetery Regulations available at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au) or on request.

2.8 Acknowledgement

I have read, understood and accept the attached terms and conditions for the transfer of a grave or other memorial at the Mona Vale or Manly Cemetery and agree to abide by the cemetery regulations:

1. as contained in this application; and
2. as contained in the Northern Beaches Council Cemetery Regulations available at [northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au) or available from Cemetery Admin upon request.

1. Name

Signature

Date

2. Name

Signature

Date

3. Name

Signature

Date

Notes

|   |  |  |  |
|---|--|--|--|
| 2.9 Statutory Declaration - Oaths Act 1900, NSW, Eighth Schedule  |  |  |  |
| Transfer Of Burial or Niche Interment Right for the    Mona Vale or    Manly Cemetery   |  |  |  |
| I/ We   |  |  |  |
| Of address,   |  |  |  |
| do hereby request the transfer of the Interment or Niche Right/s for the following burial site/s and/or memorial niche/s  |  |  |  |
| <input type="radio"/> Grave Denomination  |  |  |  |
| Section   |  | Site No/s                                  |  |
| and/or  | <input type="radio"/> Memorial Niche Section | Site No/s                                  |  |
| TO: (me/myself)   |  | TO: (insert name/names below)    OR        | <input type="radio"/> To the following person/s or entity: |
| Name/s  |  |  |  |
| For the following reason/s (you must explain your legal relationship to the original rights holder, why you think it should be transferred to you/another and whether any other family members/legal representatives have given permission for the transfer): |  |  |  |
|   |  |  |  |
| And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.  |  |  |  |
| Declared at:  |  | on (date)                                  |  |
| (Signature of Declarant):   |  |  |  |
| in the presence of an authorised witness, who states:   |  |  |  |
| I,<br>(name of authorised witness)  |  | a<br>(qualification of authorised witness) |  |
| certify the following matters concerning the making of this statutory declaration by the person who made it:  |  |  |  |
| 1. I saw the face of the person OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and                                     |  |  |  |
| 2. I have known the person for at least 12 months OR I have not known the person for at least 12 months but I have confirmed the person's identity using an identification document and the document I relied on was:   |  |  |  |
| (describe identification relied on)   |  |  |  |
| Signature of authorised witness   |  | Date:                                      |  |

### Office use only

|  |  |
|--|--|
| CODE: Mona Vale 40061000/4203    Manly 40061001/4203 |  |
| <input type="radio"/> Stone Orchard updated          | <input type="radio"/> Account paid           |
| <input type="radio"/> Cemetery invoice raised        | <input type="radio"/> Documents scanned      |
| <input type="radio"/> Refund req raised?             | <input type="radio"/> New certificate issued |