



If you need help lodging your form, contact us		Office use only	
<b>Email</b>	cemeteries@northernbeaches.nsw.gov.au	<b>Form ID</b>	4109
<b>Phone</b>	9970 1341	<b>TRIM Ref</b>	
<b>Cemeteries</b>	<b>Manly Cemetery</b> Griffiths Street, Manly NSW 2095	<b>Last Updated</b>	November 2019
	<b>Mona Vale General Cemetery</b> 107 Mona Vale Road, Mona Vale NSW 2103	<b>Business Unit</b>	Property
		<b>Application No.</b>	<input type="text"/>
		<b>Receipt No.</b>	<input type="text"/>

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

## Part 1: Transfer Of Interment Rights

<p><b>1.1 What Is An Interment Right?</b> 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>Only 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 burial including burial of cremated human remains in a memorial garden or wall niche.</p> <p><b>1.2 What Happens When The Holder Dies?</b> If the Holder held the Interment Right in joint names, the Right will revert to the surviving Holder. It is not necessary to complete a transfer application unless the deceased Holder was interred in another cemetery.</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 there is no Will, then the assets including the burial site or memorial will be distributed as per the laws of intestacy.</p> <p>It may be necessary to supply relevant information such as the Will, Grant of Probate, Letters of Administration or a Statutory Declaration as well as a Death Certificate and evidence of identity to transfer the Interment Right to a new person. Please contact Cemetery Admin for further information</p> <p><b>1.3 Why Should I Transfer The Interment Right?</b> You may 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 inter a third person in a burial site, known as a "Shallow Burial", subject to special approval from NSW Health.</p> <p>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.</p> <p><b>1.4 Transfers Of Interment Right From Current Right Holder</b> In this case, the current Holder/s must complete a Statutory Declaration detailing their wish to transfer the Interment Right and provide details of person they wish to transfer to - including their name, address, DOB, phone and email contact details. A copy of original cemetery purchase receipt or certificate should also be attached if available.</p> <p>A person holding a Power of Attorney may act for the Interment Right Holder but must produce proof of the POA.</p>
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## Part 1: Transfer Of Interment Rights contd.

### 1.5 Transfers Where The Burial Interment Right Holder Has Deceased And An Executor Or Administrator Has Been Appointed

The Executor of an Estate applying for transfer of the Interment Right must provide proof of their status by supplying a copy of the Probate or Letters of Administration. Co-Executors must all agree to the transfer unless they are empowered to act alone.

### 1.6 Transfers Where The Burial Interment Right Holder Has Deceased And There Is No Will

In this case evidence supporting the claim to the rights will need to be provided, including a Death Certificate for the original Right Holder listing their spouse and/or children (if applicable) as well as a Statutory Declaration outlining the situation. Further information including Stat Decs from relatives. Further information including Stat Decs from relatives, family tree diagram and/or other supporting evidence explaining the link to the original Holder may also be requested.

The burial rights are considered to be an asset of the Estate and will be distributed according to the laws of intestacy as applicable at the time of death. However in the event of a dispute Council may recommend that families seek their own legal determination on the matter in its absolute discretion.

### 1.7 Sale Of Sale of Unused Interment Right Back To Council

Council has a program to "buy back" unused 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.

### 1.8 Proof of Identity

Prospective Holders of an interment right must produce two original identification documents, one of which must provide photo identification. These may include a passport, licence issued under Australian law (driver's licence or other government-issued licence), birth certificate/citizenship certificate, credit card, EFTPOS card, Medicare card, or membership to a registered club.

### 1.9 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 currently \$275 for up to two sites and \$395 for three or more sites.

### 1.10 Certificate To Be Issued

An Interment Right Certificate will be issued to the new Holder/s upon approval of the application.

## Part 2: Reason for Application?

### 2.1 Transfer from current Rights Holder to another person - Complete 'personal' details on page 2 + 3 and Stat Dec on page 4

### 2.2 Transfer by Executor/Administrator when Rights Holder deceased - Complete 'personal' details on page 2 + 3 and attach copy of probated Will or Letters of Admin

### 2.3 Transfer by Next of Kin/Relative when Rights Holder is deceased and intestate - Complete 'personal details' on pages 2 + 3, attach death certificate and complete Stat Dec on page 4 explaining

- i. Why you want to transfer the Interment Right (eg – to organise a monument, to keep in the family name)
- ii. Your relationship to the original Interment Rights Holder
- iii. Why you believe you should have the right to claim the Interment Right
- iv. Who you want to transfer it to
- v. Whether other relatives have agreed to the transfer

### 2.4 Council buyback of unused Interment Right – When the applicant is the current Rights Holder\*

- i. attach proof of purchase such as copy of certificate/ receipt if available, proof of identity and Stat Dec explaining why you no longer want the burial site or niche
- ii. Complete "Statement by a Supplier" form on page 5 - note YOU are the supplier and the relevant reason for not quoting an ABN is "The supplier is an individual and has given the payer a written statement to the effect that the supply is wholly of a private or domestic nature from the supplier's perspective".
- iii. Provide details for payment to your bank account via electronic funds transfer (see below).

### 2.5 Council buyback of unused Interment Right – When the applicant is NOT the current Rights Holder

If you are applying for a buyback of a grave, and you are not the Rights Holder, you must establish your claim to the burial rights first, as per 2.2 or 2.3 of this application form and then follow the procedures listed in 2.4 above.

<b>Bank</b>			
<b>Branch</b>		<b>BSB</b>	
<b>Account Name</b>		<b>Account No</b>	

## Part 3: Personal Details

<b>3.1 Burial Site Or Memorial Site Location Details</b>			
<b>Grave Denomination</b>			
<b>Section</b>		<b>Site No/s</b>	
<b>OR</b>	<b>Memorial Niche Section</b>	<b>Site No/s</b>	

<b>Name/s of previous interments (including Ash Remains):</b>
1.
2.
3.
4.

<b>3.2 Original Interment Rights Holder Details (if not the applicant)</b>		
<b>Name</b>		<b>is deceased?</b>
<b>Last known address</b>		

<b>3.3 Applicant Details</b>			
<b>Name</b>			
<b>Are you the current Interment Rights Holder?</b>	<b>Yes</b>	<b>No</b>	
<b>Relationship to Original Interment Rights Holder: (if not one and the same)</b>			
<b>Address</b>			
<b>Postal address</b>			
<b>Phone</b>		<b>Mobile</b>	
<b>Email</b>		<b>DOB</b>	

<b>3.4 Proposed New Interment Rights Holder (if not the Applicant in 3.3 above)</b>			
<b>Name</b>			
<b>Relationship to Original Interment Rights Holder:</b>			
<b>Address</b>			
<b>Postal address</b>			
<b>Phone</b>		<b>Mobile</b>	
<b>Email</b>		<b>DOB</b>	

<b>3.5 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</b>			
<b>Name</b>			
<b>Relationship to Original Interment Rights Holder:</b>			
<b>Address</b>			
<b>Postal address</b>			
<b>Phone</b>			
<b>Mobile</b>			
<b>Email</b>		<b>DOB</b>	

## 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			
<b>and/or</b>	<input type="radio"/> Memorial Niche Section			Site No/s			
<input type="radio"/> To Northern Beaches Council		To me/myself		<b>OR</b>		<input type="radio"/> To the following person/s or entity:	
Name							
<i>For the following reason/s: (please attach more information if necessary see 1.4, 1.5, 1.6 or 1.7)</i>							
<i>And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.</i>							
Declared at:				on (date)			
(Signature of Declarant):							
in the presence of an authorised witness, who states:							
I, <i>(name of authorised witness)</i>				a <i>(qualification of authorised witness)</i>			
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:							
<i>(describe identification relied on)</i>							
Signature of authorised witness				Date:			

### Office use only

CODE: Mona Vale 40061000/4203    Manly 40061001/4203		\$275 / \$395	
<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

## Northern Beaches Council - Cemetery Terms and Conditions

1. An Interment Right is a contract with the cemetery operator that allows interments to take place in a particular location in a cemetery.  
**There is no entitlement to any real estate.**
2. No more than two (2) Interment Rights in a cemetery can be held for any individual person, without the approval of the Cemetery Agency (CCANSW).
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. The Interment Right application fee does not include extras, e.g. maintenance fee, memorial permit fee, interment site digging fees, other administrative charges.
6. The Interment Right holders' preferred funeral director or other designated person is responsible for coordinating the interment and funeral arrangements (including compliance with Cemetery Operator'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 the Cemetery Operator's policy/procedures/requirements in that specific interment section;
  - b. No memorial may be erected without the Cemetery Operator's prior written approval; and
  - c. No existing memorial may be altered or removed without the Cemetery Operator's prior written approval
8. The Cemetery Operator reserves the right to refuse permission for any proposed memorial construction or alteration in its absolute discretion without assigning any reason. The Cemetery Operator has the right (but not the obligation) to remove any unapproved memorial or alteration without notice to any person.
9. The Cemetery Operator 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 Cemetery Operator and payment of the associated fee).
10. The Cemetery Operator may repurchase unused Interment Rights from the holder/s in accordance with the Cemetery Operator's then current policy.
11. A Holder's Interment Rights can be transferred, but only after consultation with the Cemetery Operator. 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 the Cemetery Operator.
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 the Cemetery Operator.
13. The Interment Rights Holder/s is/are responsible for the care and maintenance of individual interment sites where they have erected a memorial.
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 that the Cemetery Operator deems to be a safety hazard are not permitted and if necessary may be removed without notice to any person.
16. The Cemetery Operator 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.

