

PRINCIPAL OFFICE:
8 Elizabeth Street, Maitland
Telephone (08) 8832 0000

ALL CORRESPONDENCE TO:
PO Box 57, MAITLAND, SA 5573
Fax (08) 8853 2494

Email: admin@yorke.sa.gov.au
Website: www.yorke.sa.gov.au



CEMETERY INTERMENT RIGHT TERMS & CONDITIONS

SF018A

Responsible Officer: Development Services

Issue Date: 27/09/2021

Next Review Date: September 2025

Council must be notified in writing about an interment.

The ground/niche/memorial site identified on this Cemetery Interment Right is only for the interment of human remains, which includes cremated remains, and can be used only for the applicant or members of their family, or such persons specifically designated by the applicant or their executor.

A pre-need interment right must be paid for in full prior to use and Council reserves the right to revoke an interment right at any time.

A Cemetery Interment Right is a legal document and as such should be stored in a safe location so that it can be produced when the need arises.

The applicant is responsible for advising Council of any change to their personal details such as address or name.

For the safety and security of the general public, workers and the environment, landscaping of cemetery ground/niche walls/memorial sites is not permitted. This includes the placement of jars, bottles and potted plants.

The right and responsibility of an interment right transfer belongs to applicant.

The rights granted to the applicant may be transferred upon death or legal incapacity of the applicant to any of the following people in descending order of entitlement:

- the sole executor or administrator of the applicant
- a joint executor or administrator of the applicant
- the spouse of applicant (including a putative or common law spouse)
- the eldest living and legally capable child of the applicant
- the eldest living and legally capable grandchild of applicant
- the eldest living and legally capable sibling of the applicant
- the eldest living and legally capable blood relative of the applicant

Council deems legally capable to be considered 18 years of age and over.

The substituted right may be devolved to one or more persons in succession in the event of the subsequent death or legal incapacity of the applicant.

Council may determine the criteria necessary to demonstrate the relationship and entitlement of a person claiming a substituted right and retains the unfettered discretion to determine which person will be entitled to exercise the substituted rights in the event of a dispute between one or more persons.

A transfer can be effected at any time during the current term of an interment right by completing a Transfer of Interment Right Declaration with proof of identity provided.

Only the applicant has the right to relinquish an interment right. This may be done at any time except where a grave contains an interment. Removal of interred remains requires consent in writing of the Attorney-General.

Any fees paid on a relinquished interment right will be refunded pursuant to Schedule 1 – Surrender of interment rights of the Burial and Cremation Regulations 2014 and Council's Cemetery Management Policy (PO132).

Any monument or plaque may be reclaimed by the applicant upon relinquishment, or disposed of at Council's discretion.