

## Magill Cemetery

Classification:	Council Policy
Policy Name:	Magill Cemetery
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Last Reviewed:	19 June 2007, F1564 12 July 2016, C10741 8 May 2018, C11682 12 May 2020, C12599
Next Review:	May 2024
ECM Tracking No.:	987628
Responsible Officer:	General Manager Urban and Community
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Burial and Cremation Act 2013</i> <i>Burial and Cremation Regulations 2014</i> <i>Work Health Safety Act 2012</i>
Related Policies:	Nil
Related Guidelines:	Magill Cemetery Columbarium Wall Operating Guidelines.
Related Documents:	Application for an Interment Right (Attachment 1) Application for a Memorial Only Right (Attachment 2) Interment Right (Attachment 3) Memorial Only Right (Attachment 4) Transfer of Right (Attachment 5) Disposal Application Form (Attachment 6) Columbarium Wall Plaque Wording Acceptance Form (Attachment 7)

### 1. Introduction

- 1.1. The Council is responsible for the care, control and management of the cemetery situated in Jackson Street, Magill (Cemetery).
- 1.2. The Cemetery was established by Robert Cock and William Ferguson circa 1850 and is of local historic and heritage value. The Cemetery passed to the control of Council in 1974.
- 1.3. Administration of the Cemetery is subject to the provisions of the *Local Government Act 1999* and the *Burial and Cremation Act 2013* and the *Burial and Cremation Regulations 2014* (together “the Legislation”).

## 2. Strategic Plan Desired Outcomes

- 2.1. Conservation and enhancement of the historic character of the City.

## 3. Our Approach

- 3.1. Support the protection of the City's local heritage, character, built heritage and natural heritage.

## 4. Legislative Requirements and Corporate Policy Context

- 4.1. In the exercise of the powers contained in section 44 of *the Local Government Act 1999*, the powers, functions and duties of the Council under the Legislation were delegated by resolution of the Council to the Chief Executive Officer. These powers, functions and duties were sub-delegated by the Chief Executive Officer to the positions listed as such in Council's Delegations Record.

## 5. Interpretation

- 5.1. For the purpose of this policy:

5.1.1. "Authorised person" means the person authorised to exercise or enforce the interment right if the rights holder has died, in accordance with section 35 of the *Burial and Cremation Act 2013* and section 32 of the *Burial and Cremation Regulations 2014*.

5.1.2. "Rights holder" means the person to whom the interment right or memorial only right is issued.

5.1.3. "Unexercised interment right" means a current interment right under which human remains are yet to be interred.

## 6. Policy

### Objectives

- 6.1. Legislative compliance.
- 6.2. To maintain the Cemetery at a standard consistent with the local historical importance of burial places of early settlers of Magill.
- 6.3. To encourage the extension of existing interment rights to enable the future interring of family members and relatives of persons already interred within the Cemetery.

### Issuing of interment rights

- 6.4. An interment right gives the rights holder or authorised person the exclusive right to the interment of human remains in the allotted site as well as the right to erect or place an appropriate memorial on the site subject to Council's prior approval (refer to clause 10 for approval of memorials).
- 6.5. For the avoidance of doubt, an interment right is not a lease or licence under the *Local Government Act 1999* but a right that obliges the Council to permit and do the things listed in section 30(4) of the *Burial and Cremation Act 2013*.

- 6.6. The sites in the Cemetery to which interment rights relate include:
- 6.6.1. burial site for bodily remains (does not include cremated remains);
  - 6.6.2. burial site for cremated remains; and
  - 6.6.3. Columbarium (or Niche) Wall site for cremated remains (**Columbarium Wall site**).
- 6.7. Council is no longer issuing new interment rights for burial sites of bodily remains.
- 6.8. The Council may grant interment rights for Columbarium Wall sites and burial sites for cremated remains and, on completion of an application (Attachment 1) and payment of the appropriate fees. An interment right will only be granted if, at the time of purchasing the interment right, the person(s) listed to be interred, has or had resided in the area of the City of Burnside for a period of not less than five years.
- 6.9. The applicant and the person(s) listed to be interred pursuant to the interment right can be the same person. Alternatively, the applicant can nominate in the application form the person(s) to whom can be interred in accordance with the interment right.
- 6.10. If Council approves the application for an interment right, Council will issue the applicant with an interment right in the form set out in Attachment 3.

*Burial site for bodily remains*

- 6.11. Council is no longer issuing interment rights for burial sites of bodily remains.
- 6.12. Existing interment rights for burial sites of bodily remains may be renewed for a further 40 years on application of a rights holder or authorised person (see section 32 of the *Burial and Cremation Act 2013*). To renew an existing interment right, contact the Council at [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au) or (08) 8366 4200.

*Burial site for cremated remains*

- 6.13. The term of an interment right for a burial site for cremated remains shall be for a minimum period of 40 years or as may be otherwise determined by resolution of Council.
- 6.14. Existing interment rights for burial sites of bodily remains may be renewed for a further 40 years on application of a rights holder or authorised person (see section 32 of the *Burial and Cremation Act 2013*). To renew an existing interment right, contact the Council at [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au) or (08) 8366 4200.
- 6.15. Subject to any legislation to the contrary and where soil conditions permit, multiple burials may be permitted.

*Columbarium Wall site for cremated remains*

- 6.16. The term of an interment right for a Columbarium Wall site shall be for a minimum period of 25 years or as may be determined by resolution of Council. Longer terms are available on a sliding fee scale up to a period of 99 years (refer to clause 13 for Schedule of Fees).

- 6.17. There is a right of renewal on the application of a rights holder or authorised person (see section 30 of the *Burial and Cremation Act 2013*) for a minimum period of five (5) years to a maximum tenure period of 99 years.
- 6.18. An interment right for a Columbarium Wall site is subject to the Magill Cemetery Columbarium Wall Operating Guidelines.

#### *Scattering of ashes*

- 6.19. No interment right is required for scattering of cremated remains in a cemetery. However, prior approval of the Council is required. To scatter remains at the Magill Cemetery, contact the Council at [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au) or (08) 8366 4200.

### **Transfer and surrender of interment rights**

#### *Transfer of interment rights*

- 6.20. A rights holder or authorised person may seek approval of Council to transfer the right to another person. To transfer a right, it is necessary to complete the Transfer of Interment Right form (Attachment 5).
- 6.21. An interment right may be transferred at the absolute discretion of Council.
- 6.22. Administrative costs for the formal transfer and recording in Council's register are set by Council and will be at the cost of the rights holder or authorised person.

#### *Surrender of interment rights*

- 6.23. A rights holder or authorised person may surrender an interment right. To surrender an interment right, contact the Council at [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au) or (08) 8366 4200.
- 6.24. On the surrender of an unexercised interment right, Council will provide a refund equal to the current fee payable for an interment right of the same kind, less a reasonable fee for administration, maintenance and establishment costs determined in accordance with the *Burial and Cremation Regulations 2014*.

#### *Lost documentation*

- 6.25. Council may issue a replacement (copy) of an interment right upon receipt of a Statutory Declaration by a rights holder or authorised person setting out the circumstances in which the formal documentation was lost, and on payment of the reasonable administration fee set by Council.

### **Expiry of Term**

#### *Interment site*

- 6.26. When an interment right has not been renewed upon expiry, the interment right is deemed to have expired and Council has the right to reuse the site in accordance with the Legislation.

#### *Memorial*

- 6.27. When an interment right has not been renewed upon expiry Council may remove any memorial to a deceased person erected on or at the site in accordance with the Legislation.

- 6.28. Council may, after giving notice in accordance with section 42 of the *Burial and Cremation Act 2013*, remove and dispose of unclaimed memorials.

### **Disposal Approval**

- 6.29. When it comes time for the interment of the remains of the person or persons listed in an interment right, the rights holder or authorised person must seek disposal authority from Council.
- 6.30. All burial interments in the Cemetery are to be approved by Council prior to being undertaken.
- 6.31. The rights holder or authorised person of an unexercised interment right for:
- 6.31.1. a burial site for cremated remains;
  - 6.31.2. a burial site for bodily remains; or
  - 6.31.3. a Columbarium Wall site,
- must complete the Disposal Application Form (Attachment 6) and if the interment right is for a burial site for bodily remains, include a certificate of identification and a partial certificate of cause of death (or disposal authorisation).
- 6.32. Interments may be undertaken by the funeral director who carries on the business of providing funeral services, specified on the Burial Authority. Preparation of the interment site is to be undertaken by Council or a contractor authorised by Council.
- 6.33. Disposal approval for a Columbarium Wall site is subject to the Magill Cemetery Columbarium Wall Operating Guidelines.

### **Memorials**

- 6.34. An interment right allows the rights holder or authorised person to erect a memorial at the site with approval of Council and in accordance with this Policy, the Magill Cemetery Columbarium Wall Operating Guidelines and the terms of the interment right.

#### *Memorials for burial sites*

- 6.35. Headstones and memorials to a height of 180mm, meeting standards determined by the Council from time to time, may be erected in the Cemetery. Ledges shall be consistent with the height of adjoining structures.
- 6.36. Prior to erecting a headstone or memorial the rights holder or authorised person shall provide the Council with drawings and specifications of the structure.
- 6.37. The Council, after examining the plans and specifications, may grant approval to erect a headstone or memorial, if satisfied that:
- 6.37.1. the structure has been designed and will be constructed according to sound engineering principles;
  - 6.37.2. the materials to be used exhibit high corrosion resistant properties with a minimum life expectancy, when subject to the elements, of at least 40 years; and

6.37.3. the rights holder or authorised person has provided evidence that the work will be carried out in a competent manner and without causing damage to any other structure in the Cemetery.

6.38. Council will remove any headstone or monument that contravenes these specifications at the rights holder or authorised person's cost.

#### *Memorials for the Columbarium Wall*

6.39. A memorial plaque may be placed at the site on the Columbarium Wall as the memorial in accordance with the Cemetery Columbarium Wall Operating Guidelines.

6.40. Council will arrange for the plaque to be manufactured with the rights holder or authorised person's choice of wording (see Attachment 7).

6.41. The cost of the plaque is included in the cost of an interment right for a Columbarium Wall site.

6.42. For more information, please view the Magill Cemetery Columbarium Wall Operating Guidelines.

#### *Ownership and maintenance of memorials*

6.43. A memorial in the Cemetery is the personal property of the rights holder or authorised person (**owner**) in respect of the interment site where the memorial is situated. It is the responsibility of the rights holder or authorised person to maintain any memorials.

6.44. In accordance with section 41 of the *Burial and Cremation Act 2013*, Council may issue a notice on the owner of a memorial requiring repairs, removal or reinstatement of the memorial. If the required work is not carried out within the time allowed in the notice, the Council may have the work carried out and recover the cost of doing so from the owner of the memorial.

#### *Ornaments*

6.45. Council may cause to be removed from a burial site any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers.

6.46. Council may cause to be pruned, cut down or removed any plant on a burial site that, in the opinion of Council is unsightly or overgrown.

### **Memorial Only Rights**

#### *Issuing of memorial only rights*

6.47. Council can issue "**memorial only rights**" for Burial sites and Columbarium Wall sites (with no bodily remains or cremated remains interred).

6.48. The sites in the Cemetery to which memorial only rights relate include:

6.48.1. burial site; and

6.48.2. Columbarium Wall site.

- 6.49. The Council may grant memorial only rights on completion of an application (Attachment 2) and payment of the appropriate fees.
- 6.50. A memorial only right will only be granted if, at the time of purchasing the right, the person to be named on the memorial, has or had resided in the area of the City of Burnside for a period of not less than five years.
- 6.51. The decision to issue a memorial only right is at the sole discretion of Council. The applicant and the person(s) listed to be named on the memorial may be the same person. Alternatively, the applicant can nominate in the application form the person(s) to whom can be interred in accordance with the memorial only right.
- 6.52. If Council approves the application for a memorial only right, Council will issue the applicant with a memorial only right in the form set out in Attachment 4. A memorial only right gives the rights holder the exclusive right to erect or place an appropriate memorial on the site subject to Council's prior approval (refer to clause 10 for approval of memorials).
- 6.53. The term of a memorial only right for a burial site shall be for a minimum period of 40 years or as may be otherwise determined by resolution of Council and may be renewed on application of a rights holder or authorised person.
- 6.54. The term of a memorial only right for a Columbarium Wall site shall be for a minimum period of 25 years or as may be determined by resolution of Council. Longer terms are available on a sliding fee scale up to a period of 99 years (refer to paragraphs 6.65 to 6.67 for Council's Fees and Charges Schedule). There is a right of renewal on application of a rights holder of a memorial only right for a Columbarium Wall site for a minimum period of five (5) years to a maximum tenure period of 99 years.
- 6.55. A memorial only right for a Columbarium Wall site is subject to the Magill Cemetery Columbarium Wall Operating Guidelines.

*Transfer and surrender of memorial only rights*

- 6.56. A rights holder may seek approval of Council to transfer the memorial only right to another person. To perform a transfer, it is necessary to complete a Transfer of Right form (Attachment 5).
- 6.57. A memorial only right may only be transferred at the absolute discretion of Council.
- 6.58. Administrative costs for the formal transfer and recording in Council's register are set by Council and will be at the cost of the rights holder or authorised person.
- 6.59. A rights holder may surrender a memorial only right. To surrender a memorial only right, contact the Council at [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au) or (08) 8366 4200.

*Enforcement of memorial only right*

- 6.60. If the holder of a memorial only right has died, the memorial only right may be exercised or enforced by:
- 6.60.1. the personal representative of the deceased; or
- 6.60.2. if there is no personal representative - the spouse or domestic partner of the deceased memorial only right holder; or

- 6.60.3. if there is no surviving spouse or domestic partner – by the eldest living relative of the deceased memorial only right holder in the following descending order:
- child;
  - grandchild or great-grandchild;
  - brother or sister;
  - parent;
  - grandparent;
  - aunt or uncle;
  - nephew or niece;
  - cousin;
  - any other blood relative.

#### *Memorial*

- 6.61. When a memorial only right has not been renewed upon expiry Council may remove any memorial to a deceased person erected on or at the site. Council may remove and dispose of unclaimed memorials.

#### *Lost documentation*

- 6.62. Council may issue a replacement (copy) of a memorial only right upon receipt of a Statutory Declaration by a rights holder setting out the circumstances in which the formal documentation was lost, and on payment of the reasonable administration fee set by Council.

#### **Records Management**

- 6.63. Council will maintain, and make available to the public the registers of information as required by the Legislation.
- 6.64. Copies of the registers and plans of the Cemetery are available for inspection by members of the public during Council office hours.

#### **Service Fees and Charges**

- 6.65. Fees and charges for granting interment rights, memorial rights and all other services including but not limited to the transferral, surrender and renewal of rights and plaque fees are determined in accordance with Council's Fees and Charges Schedule, which is reviewed annually.
- 6.66. The Fees and Charges Schedule for interment and memorial only rights relating to the Columbarium Wall will be allocated accordingly depending on length of interment right.
- 6.67. The Fees and Charges Schedule can be found on the City of Burnside website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au).

### **7. Review and Authority**

- 7.1 This Policy may be reviewed every three to four years in accordance with Council's Policies and Protocols Framework.

### **8. Availability**

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au)



- 8.2 The Policy and registers will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre; 401 Greenhill Road, Tusmore SA 5065

Telephone; 8366 4200; Email; burnside@burnside.sa.gov.au

Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

## **9. Further Information**

- 9.1 For further information about this policy please contact:

City of Burnside

401 Greenhill Road

Tusmore SA 5065

T. 08 8366 4200



# Attachment 1

## Application for an Interment Right

This form must be completed by a person applying for an Interment Right in the Magill Cemetery.

Site type – please select ONE ONLY.

**burial site for cremated remains**

Site number (if known) \_\_\_\_\_

Block (if known) \_\_\_\_\_

**Columbarium Wall site:**

Single or Double Niche purchase? Single/Double

Wall and Interment Number (if known) \_\_\_\_\_

Term of interment right (between 25 and 99 years) \_\_\_\_\_  
(Sliding fee scale)

### Applicant's details

Name of Applicant: \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_ Female / Male

Post Code: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Mobile Number: \_\_\_\_\_

E-mail: \_\_\_\_\_ Female/ Male

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

### Person to be interred

Surname: \_\_\_\_\_

(If the person to be interred is the applicant, please write 'same as above')

Given Names: \_\_\_\_\_

(If the person to be interred is the applicant, please write 'same as above')

Person to be interred last place of residence: \_\_\_\_\_

\_\_\_\_\_

Has the person to be interred resided in the area of the City of Burnside for a period of not less than five years? Yes/No

Post Code: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of Death (if applicable) \_\_\_\_/\_\_\_\_/\_\_\_\_ Age \_\_\_\_\_

Does the person to be interred have descendants/relatives interred in Magill Cemetery? Yes/No

\_\_\_\_\_



## Attachment 2

### Application for a Memorial Only Right

This form must be completed by a person applying for a Memorial Only Right in the Magill Cemetery.

Site type – please select ONE ONLY.

**burial site**

Site number (if known) \_\_\_\_\_

**Columbarium Wall site:**

Wall Number (if known) \_\_\_\_\_

Term of memorial only right (between 25 and 99 years) \_\_\_\_\_  
(Sliding fee scale)

#### Applicant's details

Name of Applicant: \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_ Female / Male

Post Code: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Mobile Number: \_\_\_\_\_

E-mail: \_\_\_\_\_ Female/ Male

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

#### Person to be named on the memorial

Surname: \_\_\_\_\_

(If the person to be named on the memorial is the applicant, please write 'same as above')

Given Names: \_\_\_\_\_

(If the person to be named on the memorial is the applicant, please write 'same as above')

Person to be named on the memorial last place of residence: \_\_\_\_\_

\_\_\_\_\_

Has the person to be named on the memorial lived in the area of the City of Burnside for a period of not less than five years? Yes/No

Post Code: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of Death (if applicable) \_\_\_\_/\_\_\_\_/\_\_\_\_ Age \_\_\_\_\_

Does the person to be interred have descendants/relatives interred in Magill Cemetery? Yes/No

\_\_\_\_\_



### Attachment 3

INTERMENT RIGHT  
NUMBER: \_\_\_\_

**MAGILL CEMETERY**  
JACKSON STREET, MAGILL  
ABN: 66 452 640 504

### Interment Right

This is to certify that \_\_\_\_\_ has been entered into the Council's register of interment rights as the rights holder of an exclusive right of [interment of human remains / interment of cremated remains] at the Magill Cemetery in the site designated below for a period of \_\_\_\_\_ years.

The interment right is granted in accordance with the Burial and Cremation Act 2013, Burial and Cremation Regulations 2014 and Magill Cemetery Council Policy now or hereafter in force for the general management and well-being of the Magill Cemetery.

As from \_\_\_\_ Expiring on \_\_\_\_\_

Authorising signature: ..... Date.....  
[Insert Council delegate's position and name]

SITE DESCRIPTION					
SITE TYPE	CEMETERY CODE	BLOCK (if applicable)	SITE / WALL NUMBER	No. OF PERSONS	FEE

INTERMENT AT SITE			
NAME	ADDRESS	SITE TYPE	INTERMENT DATE (if applicable)

**N.B. This Certificate must be produced whenever the site is used.**

HISTORY OF SITE USE				
No.	NAME	AGE	DATE OF USE	SITE
1.				

## TERMS AND CONDITIONS

This document records that the person named herein has been granted the right to use the site identified for the burial of human remains or the interment of cremated remains and the erection of a monument according to the type of right.

It also confers upon the rights holder or authorised person certain rights and responsibilities.

By accepting this interment right, the rights holder agrees to be bound by the provisions of the Council's Magill Cemetery Policy as amended from time to time, the *Local Government Act 1999*, *Burial and Cremation Act 2013* and *Burial and Cremation Regulations 2014*.

Council encourages the renewal of interment rights, however it is the sole responsibility of the rights holder or authorised person to notify Council of any change of address.

### EXTRACT OF POLICY CONTROLLING GRANTS OF INTERMENT RIGHTS ISSUED BY COUNCIL

A full copy of the Council's Magill Cemetery Policy may be viewed at Council Chambers during normal business hours

- The interment right gives the rights holder or authorised person the exclusive right to the interment of human remains in the allotted site as well as the right to erect or place an appropriate memorial on the site subject to Council's prior approval.
- At the expiry of the interment right, Council may, on application of the rights holder or authorised person, renew or extend in interment right on payment of the fee fixed by Council.
- A rights holder or authorised person may seek approval of Council to transfer the right to another person. An interment right may only be transferred at the absolute discretion of Council. To perform a transfer, it is necessary to complete the Transfer of Interment Right form available on Council's website.
- A rights holder or authorised person may surrender an interment right. On the surrender of an unexercised interment right, Council will provide a refund equal to the current fee payable for an interment right of the same kind, less a reasonable fee for administration, maintenance and establishment costs determined in accordance with the Burial and Cremation Regulations 2014. Administrative costs for the surrender of an exercised interment right will be at the cost of the rights holder or authorised person.
- All interments in the Cemetery are to be approved by Council prior to being undertaken. The rights holder or authorised person of an interment right must complete the Disposal Application Form available on Council's website and include a certificate of identification if applicable.
- It is the responsibility of the rights holder or authorised person to maintain any memorial.

### Transfer History

Transfer to ..... Of ..... Date ...../...../..... Authorised .....	Transfer to ..... Of ..... Date ...../...../..... Authorised .....
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## Attachment 4

MEMORIAL ONLY RIGHT NUMBER: \_\_\_\_

**MAGILL CEMETERY**  
 JACKSON STREET, MAGILL  
 ABN: 66 452 640 504

### Memorial Only Right

This is to certify that \_\_\_\_\_ has been entered into the Council's register of interment and memorial rights as the rights holder of an exclusive memorial only right at the Magill Cemetery in the site designated below for a period of \_\_\_\_\_ years.

The memorial only right is granted in accordance with the Magill Cemetery Council Policy now or hereafter in force for the general management and well-being of the Magill Cemetery.

As from \_\_\_\_ Expiring on \_\_\_\_\_

Authorising signature: ..... Date.....

[Insert Council delegate's position and name]

SITE DESCRIPTION					
SITE TYPE	CEMETERY CODE	BLOCK (if applicable)	SITE / WALL NUMBER	No. OF PERSONS	FEE

PERSON TO BE NAMED ON MEMORIAL		
NAME	ADDRESS	SITE TYPE

**N.B. This Certificate must be produced whenever the site is used.**

HISTORY OF SITE USE				
No.	NAME	AGE	DATE OF USE	SITE
1.				

## TERMS AND CONDITIONS

This document records that the person named herein has been granted the right to use the site identified for the erection of a monument according to the type of right.

It also confers upon the rights holder or authorised person certain rights and responsibilities.

By accepting this memorial only right, the rights holder agrees to be bound by the provisions of the Council’s Magill Cemetery Policy as amended from time to time and the Magill Cemetery Columbarium Wall Operating Guidelines.

Council encourages the renewal of memorial only rights; however it is the sole responsibility of the rights holder or authorised person to notify Council of any change of address.

### EXTRACT OF POLICY CONTROLLING GRANTS OF MEMORIAL ONLY RIGHTS ISSUED BY COUNCIL

A full copy of the Council’s Magill Cemetery Policy may be viewed at Council Chambers during normal business hours

- The memorial only right gives the rights holder or authorised person the exclusive right to erect or place an appropriate memorial on the site subject to Council's prior approval.
- At the expiry of the memorial only right, Council may, on application of the rights holder or authorised person, renew or extend in memorial only right on payment of the fee fixed by Council.
- A rights holder or authorised person may seek approval of Council to transfer the right to another person. A memorial only right may only be transferred at the absolute discretion of Council. To perform a transfer, it is necessary to complete the Transfer of Right form available on Council's website.
- A rights holder or authorised person may surrender a memorial only right. Administrative costs for the surrender of a memorial only right will be at the cost of the rights holder or authorised person.
- It is the responsibility of the rights holder or authorised person to maintain any memorial.
- When a memorial only right has not been renewed upon expiry Council may remove any memorial to a deceased person erected on or at the site. Council may remove and dispose of unclaimed memorials.

### Transfer History

Transfer to ..... Of ..... Date ...../...../..... Authorised .....	Transfer to ..... Of ..... Date ...../...../..... Authorised .....
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## Attachment 5

### Transfer of Right

#### Application for transfer of interment / memorial only right

Type of right: interment right / memorial only right

Right number \_\_\_\_\_

Site location: \_\_\_\_\_

Name of current rights holder \_\_\_\_\_

Please select and complete all details for either A (current rights holder/s) or B (authorised Person) below and sign in front of a JP on page 2.

A. I, the current registered rights holder, do solemnly and sincerely declare that:

I, (full name) \_\_\_\_\_ (date of birth) \_\_\_\_\_

of (address) \_\_\_\_\_

(telephone) \_\_\_\_\_ (mobile) \_\_\_\_\_

(email) \_\_\_\_\_

(And) I, (full name) \_\_\_\_\_ (date of birth) \_\_\_\_\_

of (address) \_\_\_\_\_

(telephone) \_\_\_\_\_ (mobile) \_\_\_\_\_

(email) \_\_\_\_\_

do hereby authorise the transfer of my rights, title and interest in this interment / memorial only right.

OR

B. I, the authorised person, do solemnly and sincerely declare that:

I, (full name) \_\_\_\_\_ (date of birth) \_\_\_\_\_

of (address) \_\_\_\_\_

(telephone) \_\_\_\_\_ (mobile) \_\_\_\_\_

(email) \_\_\_\_\_

Being a person having the right to exercise a Power of Attorney for the rights holder.  
(Please attach a copy of the Power of Attorney) : OR

Being a person entitled to exercise the rights granted to the rights holder upon the rights holder's death, and being the highest ranking person of entitlement in relation to the



deceased rights holder, and having provided proof of my identity (Council has the right to determine the criteria to determine the relationship and entitlement of any person claiming a substituted right)

**do hereby request the right to be transferred to the new rights holder as detailed below.**

I, the CURRENT INTERMENT / MEMORIAL ONLY RIGHTS HOLDER/S or AUTHORISED PERSON, understand that the said right (Right Number: ) is unencumbered and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1936.

Signed: \_\_\_\_\_ rights holder or authorised person

Signed: \_\_\_\_\_ rights holder 2

**This section must be signed in front of a Justice of the Peace or Commissioner of Affidavits.**

Declare and subscribed at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ Year \_\_\_\_\_

Before me (Full Name) \_\_\_\_\_

A Justice of the Peace or  
Signed JP/Commissioner  
Commissioner for Affidavits \_\_\_\_\_

**NEW RIGHTS HOLDER (1 ONLY – PLEASE INSERT FULL DETAILS)**

Title:  Dr  Mr  Ms  Mrs  Miss

Full Name: \_\_\_\_\_

of: \_\_\_\_\_

Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Tel (W) \_\_\_\_\_ Tel (H) \_\_\_\_\_

Mobile \_\_\_\_\_

Email: \_\_\_\_\_

**hereby accept the transfer of the above right to my name.**

**NEW RIGHTS HOLDER TO SIGN – not in front of JP**

I \_\_\_\_\_  
(Full name of new rights holder)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## Attachment 6

## Magill Cemetery Disposal Application Form

This form must be completed by the interment rights holder *or* a person authorised to exercise the interment right in accordance with Section 35 of the *Burial and Cremation Act 2013*.

Interment right number: \_\_\_\_\_

Site type – please select **ONE ONLY**.

**burial site for cremated remains**

Site number \_\_\_\_\_

Block \_\_\_\_\_

**burial site for bodily remains**

Site number \_\_\_\_\_

Block \_\_\_\_\_

**Columbarium Wall site:**

Single or Double Niche purchase? Single/Double

Wall and Interment Number \_\_\_\_\_

Term of Interment right: \_\_\_\_\_

### Deceased Details

Surname: \_\_\_\_\_

Given Names: \_\_\_\_\_

Deceased last place of residence: \_\_\_\_\_

Post Code: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of Death \_\_\_\_/\_\_\_\_/\_\_\_\_ Age \_\_\_\_

Female/ Male Place where death occurred: \_\_\_\_\_

Does the deceased have descendants/relatives interred in Magill Cemetery? Yes/No

Copies of Death & Cremation Certificates enclosed? Yes/No

Authorisation for the Certificate of Identification was issued by: \_\_\_\_\_

**Rights holder / authorised person details**

Name of Rights holder / authorised person: \_\_\_\_\_

Relationship to Deceased: \_\_\_\_\_

Postal Address: \_\_\_\_\_  
\_\_\_\_\_

Post Code: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Mobile Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Funeral Directors Details (if applicable)**

Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Postal Address: \_\_\_\_\_  
\_\_\_\_\_

Post Code: \_\_\_\_\_

E:mail \_\_\_\_\_ Contact No. \_\_\_\_\_

**Copies of documentation which meet the requirements of section 12(1) of the Burial and Cremation Act 2013 must be provided.**Attached Yes No*I certify that details contained in this form are correct and correspond with the details included on the Medical Certificate of Cause of Death / Death Certificate.**I acknowledge that I have read and understand my rights and responsibilities and declare that I am the rights holder or a person authorised to exercise the interment right in accordance with the conditions listed below.*

Rights holder / authorised person signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Your rights and responsibilities:**

Only the rights holder may exercise an interment right, provided that if the interment rights holder is deceased the interment right may be exercised by the person representative of the deceased interment rights holder (by definition the Executor or Administrator of the Deceased Estate) in accordance with section 35 of the *Burial and Cremation Act 2013*.

If there is no personal representative the interment right may be exercised in accordance with regulation 32 of the *Burial and Cremation Regulations 2014* as follows:

- by the spouse of domestic partner of the deceased rights holder; or
- if there is no surviving spouse or domestic partner – by the eldest living relative of the deceased interment rights holder in the following descending order of priority:
  - a child;
  - a grandchild or great-grandchild;
  - a brother or sister;

- a parent;
- a grandparent;
- an aunt or uncle;
- a nephew or niece;
- a cousin;
- any other blood relative

**Please return completed form to:**

**City of Burnside Magill Cemetery Columbarium Wall, PO Box 9, Glenside SA 5065 or email to [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)**

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**Office Use only:**

**Interment right Number: \_\_\_\_\_ Wall Placement \_\_\_\_\_**

**Interment containing remains: Yes/No**

**Name of rights holder: \_\_\_\_\_ Date of issue of interment right: \_\_\_\_\_**

**Interment right expiry date: \_\_\_\_\_**

**Fee paid: \_\_\_\_\_**

**Caretaker arranged: \_\_\_\_\_**

**Interment Date: \_\_\_\_\_**



## Attachment 7

### Columbarium Wall Plaque Wording Acceptance Form

I, \_\_\_\_\_ declare that the following words are true and correct, I give authorisation to place an order for these words to be manufactured onto a bronze plaque and affixed to wall number \_\_\_\_ in the Magill Cemetery Columbarium Wall and I agree to pay the costs associated with the manufacture and affixing of the plaque onto the Columbarium Wall.

Rights holder / authorised person signature: \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

Witness/Officer: \_\_\_\_\_