



If you need help lodging your form, contact us		Office use only	
Email	cemeteries@northernbeaches.nsw.gov.au	Form ID	4109
Phone	1300 434 434	TRIM Ref	
Cemeteries	Manly Cemetery Griffiths Street, Manly NSW 2095	Last Updated	October 2020
	Mona Vale General Cemetery 107 Mona Vale Road, Mona Vale NSW 2103	Business Unit	Property
		Application No.	<input type="text"/>
		Receipt No.	<input type="text"/>

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

<p>1.1 What Is An Interment Right?</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>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>1.2 What Happens When The Holder Dies?</p> <p>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 not interred at Mona Vale or Manly 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 normally be distributed as per the laws of intestacy.</p> <p>It will 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>

1.3 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 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.

1.4 Transfers Of Interment Right From Current Right Holder

In this case, the current Holder/s must complete a Statutory Declaration (signed by a J.P.) detailing their wish to transfer the Interment Right and provide details of person/s 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.

A person holding a Power of Attorney may act for the Interment Right Holder but must produce proof of the POA.

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

Interment Rights are considered to be part of the Real Property and should be distributed to beneficiaries as per the terms of the Will.

The Executor/s of an Estate applying for the transfer of the Interment Right must provide proof of their status by supplying a copy of the Probate or Letters of Administration.

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

The Interment 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.

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, family tree diagram and/or other supporting evidence explaining the line of succession to the original Holder may also be required.

1.7 Proof of Identity

Prospective Holders of an interment right who are not Council ratepayers 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.

1.8 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.

1.9 Certificate To Be Issued

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

Note: 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. Please use Form 4141.

Part 2: Reason for Application?

2.1 Transfer from current Rights Holder to another person - Complete 'personal' details on page 3 + 4 and Stat Dec on page 7

2.2 Transfer by Executor/Administrator when Rights Holder deceased - Complete 'personal' details on page 3 + 4 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 3 + 4, attach death certificate and complete Stat Dec on page 7 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

Part 3: Personal Details

3.1 Burial Site Or Memorial Site Location Details			
Grave Denomination			
Section		Site No/s	
OR	Memorial Niche Section	Site No/s	
Name/s of previous interments (including Ash Remains):			
1.			
2.			
3.			
4.			

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

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

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

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			
Name			
Relationship to Original Interment Rights Holder:			
Address			
Postal address			
Phone			
Mobile			
Email		DOB	

3.6 Instructions For Future Interments			
Do you wish to nominate who can be interred in this grave?		No – no nomination	Yes – as per applicants 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 ratepayer?	Yes	No - Council Officer to tick and initial at least two types of ID sighted - one must be photo ID.
<input type="radio"/> Passport		<input type="radio"/> Drivers Licence
<input type="radio"/> Birth Certificate		<input type="radio"/> Credit Card
<input type="radio"/> EFTPOS Card		<input type="radio"/> Medicare Card
<input type="radio"/> Club Membership Card		<input type="radio"/> Tertiary Education Card
<input type="radio"/> Pension Card		<input type="radio"/> Healthcare Card

3.7 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. **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) 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. A Holder's Interment Rights can be transferred, but only after consultation with Council. 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.
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 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 or on request.

3.8 Acknowledgement

I have read, understood and accept the attached terms and conditions for the purchase 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 or available from cemetery admin upon request.

1. Name	
Signature	
Date	
2. Name	
Signature	
Date	
Notes	

3.9 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	OR <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:	

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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