

TOWNSVILLE CEMETERIES FORM # 5

RIGHT OF BURIAL TRANSFER APPLICATION - PAGE 1 of 2



Form to be returned to: Email: communitydevelopment@townsville.qld.gov.au
 Postal: Townsville City Council, PO Box 1268, Townsville Qld 4810
 Phone: 1300 878 001
 Council's customer service desks located at:

- 103 Walker St, Townsville City
- 86 Thuringowa Drive, Kirwan

THIS FORM **MUST** BE ACCOMPANIED BY:

- WRITTEN CONSENT BY EXISTING CERTIFICATE HOLDER AND/OR;
- CERTIFIED COPY OF WILL OF CERTIFICATE HOLDER AND;
- WRITTEN INSTRUCTIONS FROM A PERSONAL LEGAL REPRESENTATIVE AND/OR;
- SIGNED STATUTORY DECLARATION/S

PLOT DETAILS			
Cemetery:	Belgian Gardens	Other:	(Please specify)
Section/Subdivision:		Plot No:	Right of Burial Certificate Number: (if known):

CURRENT RIGHT OF BURIAL CERTIFICATE HOLDER DETAILS			
Given Names:		Surname:	
Postal Address:			
	Suburb:	State:	Postcode:
Phone Number:		Email Address:	
Applicant 1: Signature		Applicant 2: Signature	

TRANSFERRING TO: APPLICANT / NEW RIGHT OF BURIAL CERTIFICATE HOLDER DETAILS			
<small>* Note: A Right of Burial Certificate will only be issued in the name of the applicant/s recorded below</small>			
1. Title:		Given Names:	Surname:
<i>If transferring in joint names, please specify the secondary Right of Burial Certificate holder below:</i>			
2. Title:		Given Names:	Surname:
Postal Address:			
	Suburb:	State:	Postcode:
Phone No:		Mobile:	
Email Address:		Date:	
By signing this form, I acknowledge and accept the terms outlined in the Townsville Cemeteries Statement of Principles and agree to abide by all rules and regulations that may apply to the operation of the Cemetery. Council may vary its rules and regulations at any time and in any manner deemed necessary.			
Applicant 1: Signature		Applicant 2: Signature	

Associated Documents to be attached:

- Original Right of Burial Certificate and written authority from current Right of Burial holder consenting to the transfer of Right of Burial or;
- A certified copy of the deceased Right of Burial holder's last known Will and Testament and;
- Certified written authority is provided from all other beneficiaries or the deceased Right of Burial Holder's Personal Legal Representative, advising their consent to the transfer.

TERMS - RIGHT OF BURIAL HOLDER

A Construction Permit for the erection of a monument can only be granted with permission from the Right of Burial Holder, or in the event the Right of Burial Holder has passed, the Applicant for the Right of Burial Certificate Holder's interment is the only authorised person to consent to a Construction Permit request (unless a formal Right of Burial Transfer application occurs).

A Right of Burial Certificate may be transferred by the mutual agreement of the Right of Burial Certificate holder and another person. Both parties must give agreement in writing to Council and complete a Right of Burial Transfer Application form. A transfer fee applies.

On the death of the Right of Burial Certificate holder, the authority to authorise burials in a grave reverts to Council. It is the families' responsibility to apply for the transfer of Right of Burial into the rightful beneficiary's name, should they wish to do so. At its discretion, Council will not allow the transfer of Right of Burial to occur if it cannot be clearly agreed and determined who the rightful beneficiary is.

For the full *Townsville Cemeteries Statement of Principles*, please visit: www.townsville.qld.gov.au

A valid Right of Burial Certificate may be surrendered to Council. Upon surrender, Council will pay the valid Right of Burial Certificate holder or their estate 90% of the original purchase price of the unused grave (as per the Townsville Cemeteries Statement of Principles).

PLEASE NOTE: Advice given by Applicants and Right of Burial Certificate holders is relied upon by Council in good faith. Council does not accept any responsibility for allowing an interment that might be the subject of a later dispute between family members, Executors and/or assigns.

Privacy Notice: In using this form you are providing personal information such as name and contact details. This information will be used only for the purpose stated above and will only be accessed by persons who have been authorised to do so. Your personal information is handled in accordance with the *Information Privacy Act 2009*.

TCC OFFICE USE ONLY		
Transfer Fee payable: \$	Receipt Number:	New R.O.B Certificate Child ID Issued: CEMBG/
New ROB ECM #	Mud Map Updated:	Scanned ECM #



Definitions

Right of Burial Certificate – A Right of Burial Certificate is a legal document and permits the right to be buried in a particular grave and the right to authorise the burial of others in the grave (up to the number permitted in that grave as determined by council).

Right of Burial holder – The person who is issued the Right of Burial certificate for a particular grave. This is the only person who can authorise council to inter into the grave.

Reservation Entitlements

The reservation of a new plot entitles the Right of Burial Certificate holder to be buried in that plot and the right to authorise the burial of others into the plot as per the *Townsville Cemeteries Statement of Principles*.

The number of interments permitted in a plot shall be:

- Two coffins (first must be at full depth) and up to six ashes are permitted in lawn and monumental plots
- A Traditional Burial only permits one coffin in lawn and monumental plots
- One infant coffin (with the exception of twins interred within the same coffin) permitted in an infant plot
- Up to six ashes permitted in an ashes, monumental or lawn plot.

Applicants Obligations

An *Interment Consent Application form* must be completed and sent to council's Cemeteries Administration Office at least 2 working days before the intended funeral date to allow sufficient time for the grave to be prepared.

No glass, rocks, shells, non-approved vases and ornaments are to be left at graves/sites.

No archways, statues or other structure is permitted to be installed over a plot within the lawn section.

Any item identified as a hazard that may endanger the wellbeing of the public or Cemetery staff shall be removed at the discretion of Townsville City Council.

No tree, shrub or other plant is permitted to be planted within the cemetery, including at grave sites, other than by Townsville City Council.

Fresh and plastic flowers are permitted to be retained within flower urns and metal vases only and must be placed at the head of the grave/site (or concrete beam for those where such is provided). Such flowers will be removed as they deteriorate, at the discretion of Townsville City Council. Townsville City Council takes no responsibility for any approved items left at graves/sites.

Right of Burial Transfer

A valid Right of Burial may be surrendered to council. Upon surrender, council will pay the valid Right of Burial holder or the valid Right of Burial holder's estate an amount not less than 90% of the original reserve price of the unused grave.

The Right of Burial Certificate may be transferred to another applicant where council eligibility requirements have been met, these include:

- Original Right of Burial Certificate and written authority from the current Right of Burial Certificate holder consenting to the transfer, or;
- A certified copy of the deceased Right of Burial Certificate holder's last known Will and Testament, and;
- Certified written authority provided from all beneficiaries, or;
- Written authority from the Right of Burial Certificate holder's personal legal representative providing evidence of authority to transfer.

Memorials & Monuments

No person shall erect a memorial headstone or any other structure on any plot in council's Cemeteries unless a *Construction Permit* has first been issued.

The fee for a Construction Permit is designated in the Cemetery Fees and Charges and once a permit has been paid for and approved, it will be issued to the applicant and/or Monumentalist.

A Construction Permit will only be issued to the Right of Burial holder. Where the Right of Burial holder is deceased, a Construction Permit to erect a monument or headstone may be issued to the applicant identified on the *Application for Interment form/s*.

Where there is a genuine request made from a family to erect a monument on an older plot in the deceased persons honour, Council may consider such a request where it believes the family are acting with the full consent of the deceased person and therefore would warrant the approval to erect a monument. If approval is given, the Burial Right is not automatically transferred, refer to subsection Right of Burial Transfer of this policy.

All memorials and headstones must be constructed by a licensed Monumentalist or Builder and must comply with the Australian Standards AS4204-1994 Headstones and Cemetery Monuments. Failure to comply may result in removal.

Any monumental grave, vault, headstone, plaque or marker in the Cemetery shall be maintained by the Legal Personal Representative or family of the person whose remains have been buried therein or thereunder.

For the full *Townsville Cemeteries Statement of Principles* please visit: www.townsville.qld.gov.au