

Determination of Interment Right

Application type

- Determination of perpetual interment right - \$170
- Transfer of perpetual interment right (holder) - \$170
- Transfer of perpetual interment right (bequest) - \$170
- Transfer of perpetual interment right (intestacy) - \$170
- Monumental works for a non-interment right holder - \$170
- Update perpetual interment right (holder) - \$170

Purpose of this application form:

This application form is used by an applicant Interment Right holder, executor, or other authorised person (such as a beneficiary) who is seeking to determine the status of an interment right, transfer an interment right, or request monumental works as a non-interment right holder. It can be applied in cases where the right is being updated, transferred to a new holder, where the interment right holder cannot be contacted or is deceased in accordance with the *Reasonable Notification Guidelines*.

A cemetery operator may update or transfer an interment right from one person or two or more persons as joint holders to one person or two or more persons as joint holders. A person to whom an interment right devolves does not become the holder of the interment right until the cemetery operator's register is amended.

Form approved by Council in accordance with Cemeteries & Crematoria NSW Act 2013, Interment Industry Scheme 2018, *under subsection 58 of the Cemeteries and Crematoria Act 2013 and the amendment - 1st September 2025 Reasonable Notification Guidelines*.

This application form is not required for transferring rights between joint holders. On the death of a joint holder of an interment right, the remaining joint holder/s is/are entitled to the interment right. Surviving joint holder/s should advise the cemetery operator of the death of one joint holder so the cemetery operator's register can be updated.

Interment site

Cemetery:	Denomination:		
Section:	Plot no:		
Interment site type:	Monumental	Columbarium	
This interment site allows for a maximum	fully body interments;	ash interments.	

Interment sites can usually be dug to a depth to accommodate two coffins and six ashes. However, occasionally, due to rock or stability problems not evident prior to commencement of digging the site, ground conditions may not allow for interment in an allocated plot. In these circumstances an alternate interment site will be allocated, if applicable.

Original holder/s of interment right/s (previously known as 'right of burial')

Holder 1

Given name/s: Surname:

Street address:

Suburb: State: Postcode:

Phone: H W M

Email:

Signature: Date:

Holder 2

Given name/s: Surname:

Street address:

Suburb: State: Postcode:

Phone: H W M

Email:

Signature: Date:

Please attach an additional sheet as evidence of for more than two holders.

Supporting Document/s

Cemetery operator must sight a copy of the following:

- Original Right of Burial or Interment Right
- Death certificate of holder/s or of evidence for intestacy
- Estate or Last will and testament
- Orders of Probate / Letters of Administration to verify the beneficiary
- Evidence of reasonable notification

Note: Additional documentation may be requested and attached to application.

Comments:

Cemetery operator's signature:

Applicant (holder/s or intended holder/s of interment right)

Applicant 1

Given name/s:

Surname:

Street address:

Suburb:

State:

Postcode:

Phone: H

W

M

Email:

Applicant 2

Given name/s:

Surname:

Street address:

Suburb:

State:

Postcode:

Phone: H

W

M

Email:

Please attach an additional sheet to register more than two applicants.

Next of kin (other persons nominated by the applicant/s as secondary contact)

Name:

Address:

Phone:

Relationship:

Intent for Determination of Interment Right

Identify the name/identity of the person/s whose remains may be interred: (transfer only)

Specify a person who may nominate the person/s whose remains may be interred: (transfer only)

Intended future use for interment site:

Further interment/s

Monumental works only

No works order

Monumental work for a non-interment right holder Classification:

Repair/remediation works

Minor works

Erecting monument on unmarked site

Proof of identity requirements

Applicants must produce two original identification documents, one of which must provide photo identification. These may include a passport, license issued under Australian law (driver's license or other government issued license), birth certificate/citizenship certificate, credit card, EFTPOS card, Medicare card, and membership to a registered club. Please do not attach copies of Identification to this application.

Proof of two identity documents sighted applicant 1:

Passport

Drivers Licence

Birth Certificate

Credit Card

EFTPOS Card

Medicare Card

Pension Card

Healthcare Card

Proof of two identity documents sighted applicant 2:

Passport

Drivers Licence

Birth Certificate

Credit Card

EFTPOS Card

Medicare Card

Pension Card

Healthcare Card

I _____ of _____ declare that I have sighted one of the above original forms of identification, provided by below Applicant.

Signature of consultant:

Date:

Authorisation for Determination of Interment Right

New Interment right holder/s, applicant/s or monumental works for non-interment right holder to complete:

I/We the undersigned accept the Determination of Interment Right Holder. I/we, acknowledge that the determination will not take effect until the fee has been paid, the Cemetery Operator's Register has been updated and I/we have been issued with a Certificate of Interment Right or Monumental Works for Non-Interment Right Holder - Approval.

Signed:

Date:

Name of new registered applicant 1:

Signed:

Date:

Name of new registered applicant 2:

Note: A cemetery operator may refuse to grant, transfer an interment right or issue a monumental works for non-interment right holder if, in the operator's opinion, the action would tend to create a monopoly or encourage dealing in interment rights. Cemeteries and Crematoria Act 2013, Section 60

Privacy and personal information protection notice

The collection of this information is a Statutory requirement under the *Cemeteries & Crematoria Act 2013*, *Interment Industry Scheme 2018*, *CCNSW Reasonable Notification Guidelines & Public Health Regulation 2012*. This document will form part of a public record that Council may use and or make available in accordance with the *Privacy and Personal Information Protection Act 1998* and the *Government Information (Public Access) Act 2009*. A consequence of non-provision may result in burial plot not being allocated. Council will take all reasonable steps to protect the personal information it holds from misuse, unauthorised access and modification. Council will retain your personal information for a period that is in accordance with the State Records Retention and Disposal Authority (FA450).

Return the form to:

Maitland City Council

PO Box 220, Maitland NSW 2320

OR

cemeteries@maitland.nsw.gov.au

OFFICE USE ONLY

Payment codes: Cemeteries

Reservations GL 30401 - \$170 GST XMPT – Determination for Interment Right, (site location).

Amount Paid:

Date:

Receipt No:

This Approval is issued by Maitland City Council ("Council") as the cemetery operator. It authorises the named Contractor or Funeral Director to undertake works or conduct funeral services in Council-managed cemeteries, subject to the following conditions.

This Approval is conditional approval only. It is not an entitlement, and ongoing compliance is required. Council may suspend or withdraw a Approval at its discretion for non-compliance.

1. General Compliance – All Approval Holders

- All works and services must comply with this Approval, Council policies (Councils Cemetery Policy, Monument & Memento Policy), codes of practice, NSW legislation, and Australian Standards.
- Work must be professional, durable, and respectful of cemetery safety, dignity, and environment

2. Access and Site Controls

- Approval Holders must comply with all access restrictions and site control measures specified by Council, including (but not limited to):
- Restrictions on vehicle entry and movement;
- Closure periods, weather-related restrictions, or protocols notified by Council;
- Observance of signage, barriers, and protective measures.
- Unauthorised access, vehicle use, or interference with access controls (including gates, bollards, or barriers) constitutes a breach of this Approval.
- Vehicles must remain on designated roadways and pathways unless expressly authorised.

3. Responsibility for Subcontractors and Service Providers

- Approval Holders are fully responsible for the conduct of subcontractors and associated service providers engaged in works or funeral services, including grave diggers, monumental masons, celebrants, musicians, or other participants.
- Any breach by a subcontractor or service provider is deemed a breach by the Approval Holder.

4. Damage and Remediation

- Approval Holders are liable for any damage caused to cemetery grounds, graves, monuments, structures, utilities, pathways, fencing, signage, vegetation, or other property in connection with their activities.
- Council may, at its discretion:
 - (a) require the Approval Holder to remediate damage within a reasonable timeframe; or
 - (b) undertake remediation itself and recover the full cost from the Approval Holder.

5. Enforcement and Penalties

- Administrative Penalties: Where a breach of this Approval occurs, Council may impose an administrative penalty of up to \$550 per breach, reflecting compliance and administrative costs.
- Remediation Costs: Council may recover the full cost of any repairs, rectification, or clean-up necessitated by a breach.
- Suspension or Cancellation: Council may suspend or cancel a Approval for repeated or serious breaches, including unauthorised access, unsafe work practices, substandard works, or conduct inconsistent with cemetery dignity.
- Reinstatement: A suspended or cancelled Approval may only be reinstated upon re-application. Council may impose additional conditions or refuse reinstatement.

- Indemnity: The Approval Holder indemnifies Council against all loss, damage, claims, or expenses arising from their activities under this Approval.

6. Termination for Cause

Council may terminate a Approval immediately and without notice if the Approval Holder:

- Wilfully or negligently breaches any Approval condition;
- Fails to comply with lawful Council directions;
- Undertakes works or services that are unsafe, substandard, or inconsistent with NSW standards or Council requirements;
- Engages in conduct that risks damage to cemetery property, public safety, or community amenity.

7. Additional Conditions – Contractors (Monumental Masons, Grave Diggers, etc.)

- All works must comply with *AS 4204:2019 Headstones and Cemeteries Monuments* (or successor standards) and Council specifications.
- Pre-work and post-work photographic evidence must be provided where required.
- No works may commence unless a valid Approval application has been lodged, approved, and issued by Council.

8. Additional Conditions – Funeral Directors

- Funeral services must be conducted strictly in accordance with Council's approved bookings for time and location.
- Only authorised vehicles (hearse and necessary service vehicles) may access the cemetery.
- Temporary equipment (tents, chairs, lowering devices, PA systems, etc.) must be installed, used, and removed safely and promptly.
- Services must be conducted respectfully, with noise and activity kept to levels consistent with the dignity of the site.

9. Acknowledgement

By accepting and acting upon this Approval, the Approval Holder acknowledges and agrees that:

- This Approval is conditional and may be suspended, varied, or revoked by Council in accordance with these conditions;
- All administrative penalties, remediation costs, and liabilities imposed under these conditions are recoverable by Council as a debt due and payable;
- Breaches of these conditions may also constitute offences under the Local Government Act 1993, the Cemeteries and Crematoria Act 2013, the Crown Land Management Act 2016, or the Summary Offences Act 1988, and may be referred to the NSW Police or other enforcement agencies.

10. Evidence of Compliance – Pre- and Post- Work Checklist

- The Approval Holder must complete and submit to Council the *Cemetery Works Compliance Checklist* (as attached to this Approval) for each approved activity.
- The Checklist must be accompanied by pre-work and post-work photographic evidence showing the condition of the site, including (where applicable) adjacent graves, monuments, pathways, fencing, and surrounding grounds.
- Failure to complete and submit the Checklist in accordance with this section constitutes a material breach of this Approval.