



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

The Transfer of Interment Rights Policy

Adopted by:	Council
Responsible Division:	Community Planning
First Issued/Adopted:	29 March 2005
Last Reviewed:	23 October 2023 (Resolution No. 0498/2023)
Next Review Date:	2027

1. Purpose

- 1.1 Interment Rights have a commercial value. When an interment right is transferred to another party, all of the rights that are applicable to that interment right are also transferred. Current State Government legislation does not effectively address this matter; therefore, the City of Salisbury has developed this Policy to set out its management of the transfer of interment rights.
- 1.2 To clearly define a recognised lineage for the purpose of transferring an interment right from one person to another person.
- 1.3 To adopt “best practice” as prescribed by the Cemeteries Association of South Australia, when transferring an interment right.
- 1.4 To incorporate within the Regulations of Salisbury Memorial Park, section 8, ‘The conditions and transfer of licence.’

2. Scope

- 2.1 This policy only applies to interment rights issued by the City of Salisbury for rights to Salisbury Memorial Park inclusive of The Mausoleum.

3. Legislative Requirements and Corporate Policy Context

- 3.1 *Local Government Act 1999*
3.2 *Burial and Cremation Act 2013 – South Australia*
3.3 *Burial and Cremation Regulations 2014 – South Australia*

4. Interpretation/Definitions

- 4.1 Entombment – the disposition of the remains of a deceased person in a mausoleum, crypt, or vault constructed for such purpose by Salisbury Memorial Park.
- 4.2 Interment – the disposition of the remains of a deceased person by burial in the earth.
- 4.3 Interment Right - the right to require or direct the interment or removal of human remains in a lot (grave, garden, tree program), plot (multiple graves), niche or crypt and/or direct any associated memorialization as outlined or permitted by the cemetery by-laws. For the avoidance of doubt, an ‘interment right’ may also be referred to as a ‘Licence’.
- 4.3 Inurnment – the disposition of the cremated remains of a deceased person either by burial in the earth or by placement within a cremation space.
- 4.4 Licence – The licence refers to the right of interment.
- 4.6 Memorial Plaque or Monument – the type of plaque or memorial stone allowed by Salisbury Memorial Park to be placed on a space.
- 4.7 Park - the cemetery and mausoleum to which the Regulations relate.
- 4.8 Salisbury Memorial Park – Refers to the cemetery located at 2 Spains Rd, Salisbury Downs and includes the mausoleum unless otherwise specified.
- 4.9 Space – the space in which interments, inurnments or entombments may be made.

5. Policy Statements

- 5.1 The right and responsibility of an interment right transfer resides with the interment right holder.
- 5.2 The rights granted to the interment right holder may be transferred upon the death or legal incapacity of the interment right holder to any one of the following people in descending order of entitlement:

- The sole executor or administrator of the interment right holder
 - A joint executor or administrator (with the permission of all others) of the interment right holder
 - The spouse of the interment right holder (including a putative or common law spouse)
 - The eldest living and legally capable child of the interment right holder
 - The eldest living and legally capable grandchild of the interment right holder
 - The eldest living and legally capable sibling of the interment right holder
 - The eldest living and legally capable blood relative of the interment right holder
- 5.3 In the context of this Policy the City of Salisbury defines legally capable to be 18 years of age and over.
- 5.4 The substituted right may be devolved to one or more persons in succession in the event of the subsequent death or legal incapacity of such person.
- 5.5 The City of Salisbury may determine the criteria necessary to demonstrate the relationship and entitlement of a person claiming a substituted right and the City of Salisbury retains 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.
- 5.6 A transfer can be affected at any time while the interment right is current.
- 5.7 To affect a transfer, it is necessary to complete a Transfer of Interment Right Form, provide necessary documentation, and pay the required fees and charges.
- 5.8 Interment right holders are responsible for advising the City of Salisbury of change of address.
- 5.9 Only the interment right holder has the right to relinquish the interment right.
- 5.10 The interment right holder may relinquish the interment right for a lot, plot, niche or crypt, and/or direct any associated memorialization anytime except where a grave contains a burial. Removal of buried remains requires the consent in writing of the South Australian Attorney-General.
- 5.11 The monument or plaque may be reclaimed by the interment right holder upon relinquishment, or will be disposed of at the City of Salisbury's discretion.
- 5.12 Any fee paid on the interment right of a used interment site will not be refunded.
- 5.13 The City of Salisbury may extend, renew, relinquish or transfer the interment right upon application.

- 5.14 Landscaping of grave and cremation memorial sites is not permitted (including placement of jars, bottles and potted plants) in accordance with Salisbury Memorial Park's Regulations.
- 5.15 Salisbury Memorial Park accepts no responsibility for the quality of plaques supplied by the manufacturer.

6. Approval and Change History

Version	Approval Date	Approval By	Change
1	29 March 2005	Council (1397/2005)	
2	22 June 2009	Council (1633/2009)	
3	27 April 2011	Council (327/2011)	
4	29 April 2013	Council (1611/2013)	
5	29 March 2016	Council (0970/2016)	Minor editorial changes with respect to changes of titles of Responsible Officer. Policy updated in new template.
6	26 March 2018	Council (2392/2018)	Minor editorial changes.
7	25 February 2019	Council (0097/2019)	Minor editorial changes, addition of the State Government legislation and changes to the review dates of Regulations and Specifications.

8	24 May 2023	Council (0954/2021)	Changes to the review dates of Regulations and Specifications, no changes of substance are required in the content of the Policy to ensure its continuing relevance.
9	October 2023	Council (0498/2023)	Adopted the CoS policy template. Change of title and associated language to ensure consistency with current legislation. Made changes to ensure the policy encompasses the mausoleum.

7. Availability

- 7.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au
- 7.2 The Policy 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.

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8. Review

- 8.1 This Policy will be reviewed:
- within 12 months of a Council election or as required.

Further Information

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For further information on this Policy please contact:

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