



The Transfer of Cemetery Licences Policy

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Department:	Community and Organisational Development	Division:	Business Supports
Function:	17 - Social Cultural and Community Services	Responsible Officer:	Manager, Business Support

A - PREAMBLE

1. Cemetery licences have a commercial value. When a licence is transferred to another party, all of the rights that are applicable to that licence 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 Cemetery Licences.

B - SCOPE

1. This policy only applies to cemetery licences issued by the City of Salisbury for rights to Salisbury Memorial Park.

C – POLICY PURPOSE/OBJECTIVES

1. To clearly define a recognised lineage for the purpose of transferring a licence from one person to another person.
2. To adopt “best practice” as prescribed by the Cemeteries Association of South Australia, when transferring a cemetery licence.
3. To incorporate within the Regulations of Salisbury Memorial Park, section 8, ‘The conditions and transfer of licence.’

D - DEFINITIONS

1. **Entombment** – the disposition of the remains of a deceased person in a mausoleum or crypt, constructed for such purpose by Salisbury Memorial Park.
2. **Interment** – the disposition of the remains of a deceased person by burial in the earth.
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. **Licencee** – any person in whose name a space is currently recorded in the records of Salisbury Memorial Park as the owner of the exclusive right to interment, inurnment or entombment.

5. **Memorial Plaque or Monument** – the type of plaque or memorial stone allowed by Salisbury Memorial Park to be placed on a space.
6. **Park-** the cemetery to which the Regulations relate.
7. **Space** – the space in which interments, inurnments or entombments may be made.

E - POLICY STATEMENT

1. The right and responsibility of a licence transfer resides with the licensee.
2. The rights granted to the licensee may be transferred upon the death or legal incapacity of the licensee to any one of the following people in descending order of entitlement:
 - a. The sole executor or administrator of the licensee
 - b. A joint executor or administrator (with the permission of all others) of the licensee
 - c. The spouse of the licensee (including a putative or common law spouse)
 - d. The eldest living and legally capable child of the licensee
 - e. The eldest living and legally capable grandchild of the licensee
 - f. The eldest living and legally capable sibling of the licensee
 - g. The eldest living and legally capable blood relative of the licensee
3. In the context of this Policy the City of Salisbury defines legally capable to be 18 years of age and over.
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. 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.
6. A transfer can be affected at any time while the licence is current.
7. To affect a transfer, it is necessary to complete a Transfer of Right of Burial Declaration and provide the required documentation.
8. Licensees are responsible for advising the City of Salisbury of change of address.
9. Only the licensee has the right to relinquish the license.
10. The licensee may relinquish the licence for a grave and/or cremation garden memorial anytime except where a grave contains a burial. Removal of buried remains requires the consent in writing of the Attorney-General.
11. The monument or plaque may be reclaimed by the licensee upon relinquishment, or will be disposed of at the City of Salisbury's discretion.
12. Any fee paid on the license will not be refunded.
13. The City of Salisbury may extend, renew, relinquish or transfer the licence upon application.
14. The right to extend licences is perpetual and may be exercised in multiples of five (5) years. Fees are based on charges prevailing at the time of extensions.
15. 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.
16. Salisbury Memorial Park accepts no responsibility for the quality of metal or granite plaques supplied by the manufacturer.

F - LEGISLATION

1. *The Local Government Act 1999*
2. *The Local Government (Cemetery) Regulations 2010*
3. *The Burial and Cremation Act 2013 – South Australia*
4. *The Burial and Cremation Regulations 2014 – South Australia*

G - REFERENCES

1. Salisbury Memorial Park Regulations (revised 7th of January 2021)
2. Salisbury Memorial Park Specifications (revised 7th of January 2021)
3. Transfer of Licence Declaration.

H - ASSOCIATED PROCEDURES

Document Control

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