*Burial and Cremation Act 2019*

Application for Approval to Become a Cemetery Manager

*(*pursuant to section 32 of the *Burial and Cremation Act 2019)*

*(Note: This application and subsequent approval (if provided) only applies to the management of the cemetery detailed in this application.)*

PART 1: APPLICANT INFORMATION (MUST BE A BODY COROPORATE)[[1]](#footnote-1)

Name of body corporate:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Registered office address:

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Body corporate office bearers (please provide full name and position of each office bearer):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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PART 2: CONTACT INFORMATION

Contact person:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postal address:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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PART 3: CEMETERY INFORMATION

*(Note: If this application relates to a cemetery to be established, please include details of the proposed cemetery below and note that you must also submit an Application to Establish Cemetery*)

Name of cemetery:

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Full address of the cemetery:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Is or will the cemetery be owned by the applicant? If not, please indicate who owns the cemetery (must be a council or the State).

Please provide details (e.g. cemetery will be purchased from existing owner after approval).

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PART 4: CONTACT DETAILS FOR CURRENT CEMETERY MANAGER (Existing cemeteries only)

Full Name:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email:

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Postal address:

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PART 5: PRIOR CONVICTIONS

Has the proposed cemetery manager (body corporate) or any office bearers of the body corporate been found guilty of the following (regardless of whether the person was convicted)?

An indictable offence? Yes No

An offence of dishonesty, fraud or trafficking? Yes No

Have any allegations of misconduct (relevant to the management or operation of a cemetery, crematorium or prescribed business) been made against the body corporate or any of its office bearers?

Yes No

 *If you have responded “yes” to any of the above questions, please attach details.*

PART 6: CEMETERY MANAGEMENT PROGRAM

Please attach a proposed Cemetery Management Program. The Program must address the minimum requirements detailed in the Cemetery Management Program Outline below.

Cemetery Management Program Outline

| Cemetery Manager Responsibility | Cemetery Management Program – Minimum Requirements |
| --- | --- |
| 1. *Interments and Handling of Human Remains*
 | 1. A detailed description of how the intending cemetery manager will meet all of their relevant obligations, including in relation to burial depth, grave closures, vault burials, and affixing nameplates.

This section of the Plan should include any relevant information or evidence of the applicant’s demonstrated previous experience in relation to interment/human remains handling OR, if no relevant experience, then details of any expert support or services the applicant intends to engage to meet their obligations. |
| 1. *Accounting, Record-keeping and General Administration*
 | 1. A detailed description of the proposed systems and processes the body corporate will put in place in relation to managing and accounting for the cemetery’s finances

In this section, the applicant should provide details of how the cemetery’s finances will be managed and accounted for, including the anticipated annual budget for the cemetery. You will need to provide sufficient information for the Regulator to be satisfied that the body corporate has the financial capacity to manage the cemetery. For existing cemeteries, this section should also include details of any monies held in trust by the current cemetery manager that will be transferred to the body corporate, including in relation to the honouring of exclusive rights of burial. 1. A detailed description of the proposed systems and processes the body corporate will put in place for:
* Keeping and maintaining an accurate plan of the cemetery;
* Keeping and maintaining an accurate register of all interments;
* Issuing and amending certificates of exclusive rights of burial;
* Keeping a register of all exclusive rights of burial and providing for inspection of register at any reasonable time the holder of an exclusive right;
* Identifying by number (or other identifier) plots or areas relating to an exclusive right of burial; and
* Receiving, assessing and granting or refusing written applications for internment of human remains in the cemetery (noting that forms must meet minimum requirements under the Regulations).

The intending manager should provide information about how records will be stored (e.g. electronically or in hard copy), including how risks of record loss will be managed. |
| 1. *Public Access, Health and Safety*
 | 1. A detailed description of how public access will be provided and attendant health and safety risks will be managed.

In this section, the applicant should provide details of the proposed hours of public access to the cemetery, and details of any active or prospective insurance policies, including public liability. |
| 1. *General Upkeep and Heritage Management*
 | 1. A detailed description of how the cemetery will be maintained (e.g. grounds keeping, works, general upkeep).

This section should include estimated annual expenditure, and details of how any works and maintenance will be funded.1. For existing cemeteries only, a detailed description of how any historically significant elements of the cemetery will be managed, consistent with relevant heritage obligations.

This section should include information on war veteran graves and any monuments or other features of the cemetery that are known to have significant heritage value. |

PART 7: DOCUMENTS CHECKLIST

Please ensure the following documents are attached to your application:

Evidence of incorporation (or evidence the applicant has applied for incorporation)

National Police check for all office bearers of the body corporate (no more than three months old)

Contract of Sale for the cemetery (or certificate of title if the applicant is already the landowner, or copy of the lease if cemetery is to be leased (must be public land if leased))

Cemetery Management Program

Copy of the Cemetery Disclosure Document provided by the current cemetery manager

Receipt for payment of the application fee

*Please note the Regulator may request further information if required.*

PART 8: DUE DILIGENCE

Have all office bearers read and understood the relevant provisions of the *Burial and Cremation Act 2019* and *Burial and Cremation Regulations 2019* as they relate to the role, duties and obligations of cemetery managers?

Yes No

Has the applicant received legal advice that there are no impediments to you taking on the role of cemetery manager, including relevant trustee duties?

Yes No

Have all office bearers received and understood the Cemetery Disclosure Document provided by the vendor?

Yes No

PART 9: DECLARATION

I confirm that the information contained in this application is true and correct:

Full Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please note that penalties apply for providing false or misleading information in making an application under the *Burial and Cremation Act 2019.*

1. Under section 32(4) the Regulator may approve a natural person (i.e. an individual) as a cemetery manager under limited circumstances (that is, if the cemetery is already owned by a natural person).

If the cemetery falls into this category, please provide applicant information in Part 2, and equivalent applicant details where body corporate information is requested in Parts 3 and 4. [↑](#footnote-ref-1)