

Summary of Key Changes to Interment Rights Forms – 2024 Updates

The 2024 forms update the versions published in 2018 when Part 4 of the *Cemeteries and Crematoria Act 2013* commenced. These forms are not mandatory, but this table outlines the key changes that have been made which operators may wish to reflect in their own documentation.

The changes primarily reflect the introduction of the consumer contract, from 1 October 2024.

Application for Interment Right

Key Change	Rationale
<p>Combining of two current template forms – Application for perpetual interment right and Application for renewable interment right</p>	<p>Minimising templates Consistency between perpetual and renewable</p>
<p>Removal of reference to the form being approved in the box at top of form</p>	<p>Form not yet formally approved. Published as an updated template for operators. Intention is to formally approve a form/key elements of a form in the future.</p>
<p>Format/order of information changed</p>	<p>Updated to align with the model contract, but with the details of the site with other ‘requested information’ as the customer may not know which site they want, or it may not be able to confirmed until contract stage.</p>
<p>Change in language from ‘applicant’ to ‘interment right holder’</p>	<p>Updated to align with the model contract - the ‘applicant’ is not a term under the Act and the interment right holder should be the person signing the contract and accepting the associated roles and responsibilities.</p>

Key Change	Rationale
Removal of the maximum site capacity	This is now part of the consumer contract for an interment right – is for the operator to complete, not the customer (who is completing this application form).
Removal of the price and invoice details payment section	The price and payment part of the consumer contract (with associated requirements about how the price is broken down). In the application form, it just explains how payment will occur and asks who will pay if it is not the interment right holder.
Removal of proof of identity section	<p>Section 57 of the C&C Act requires an operator to ‘identify the person or persons to whom the right is granted’. Section 63 also says that the operator’s register must ‘identify (as far as possible) the holder of an interment right. There is no specification as to how identity should be verified, and this can be determined by an operator.</p> <p>There is no specific reference to this in the example form as there is no prescribed process for it. You can determine how you confirm the persons identity, and include this in your application forms as appropriate.</p>
Replacement of privacy declaration with [Operators to include own privacy collection notices based on privacy laws applicable to them]	The correct privacy declaration will determine on the type of operator and the applicable legislation.
Amendment to applicant declaration	Previously referred to explaining terms and conditions – this is now part of the consumer contract. Amended to acknowledge that the form is a request, which will be finalised via a contract.

Interment Right Certificate

Key Change	Rationale
<p>Move from two current template forms – Perpetual Interment Right Certificate and Renewable Interment Right Certificate – to four template forms</p> <ul style="list-style-type: none"> - Perpetual related to a Consumer Contract - Renewable related to a Consumer Contract - Perpetual where the right is transferred - Renewable where the right is transferred 	<p>The Interment Right Certificate must include any terms and conditions relating to the interment right.</p> <p>For a certificate issued where an interment right is purchased through a consumer contract (post 1 October 2024), those terms and conditions are outlined in the contract so the certificate templates reference the contract.</p> <p>For a certificate issued without a consumer contract, for example when the right is transferred from one interment right holder to another, those terms and conditions should be specifically included in the certificate.</p>
<p>Removal of reference to the form being approved in the box at top of form</p>	<p>Form not yet formally approved – though there is an intention to formally approve a form/key elements of a form in the future.</p> <p>Published as an updated template for operators.</p> <p>This is now included as a ‘note for operators’, to be removed prior to printing the Certificate and providing it to the customer.</p>
<p>Addition of a box at the top of the Certificate addressed to the customer/holder</p>	<p>As the Certificate is held by the customer, it is an opportunity to remind them that an interment right is a part of their estate and they should consider how it is managed in their will/with their families.</p>

Key Change	Rationale
<p>Addition of wording for Certificates that relate to an interment right purchased via consumer contract to reference the contract terms and conditions that relate to the right.</p> <p>OR</p> <p>Addition of wording that Certificate not relating to an interment right purchased via consumer contract must include relevant terms and conditions</p>	<p>The Act (Sections 65(1)(a) and 57(g) requires Interment Right Certificates to specify ‘any conditions on which the interment right is granted’. The interment right contract does outline conditions relating to the right, so should be referenced in the Certificate if a contract is in place (as required from 1 October 2024).</p> <p>If there is no contract in place, the operator should consider any relevant terms and conditions and include them on the Certificate. Certain terms and conditions of the consumer contract may be relevant to consider for inclusion.</p>
<p>Addition of a section re Transfer</p>	<p>Clarity to certificate holder of the option to transfer (Extends on 2018 form which said ‘The interment right may be transferred subject to the terms of the <i>Cemeteries & Crematoria Act 2013</i>.’)</p>