*Burial and Cremation Act 2019*

Cemetery Disclosure Document

(pursuant to section 58 of the *Burial and Cremation Act 2019*)

Purpose

This cemetery disclosure document outlines the legal obligations that apply to cemetery managers under the *Burial and Cremation Act 2019* and other important information regarding the cemetery.

A completed disclosure document must be provided to the proposed purchaser at least 48 hours before a written contract for sale is entered into (or if the contract is not in writing, at least 48 hours before ownership of all, or any portion of the cemetery is transferred).

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|  |
|  *Cemetery Name* |

Details of proposed sale

This document relates to the proposed sale of:

|  |
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|  |
|  *Cemetery Address* |

at:

|  |
| --- |
|  |
|  *Current Cemetery Manager* |

by:

|  |
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|  |
|  *Proposed Purchaser (must be a body corporate – unless section 32(4) of the Act applies to this sale)* |

to:

Obligations under the *Burial and Cremation Act 2019*

Under the *Burial and Cremation Act 2019* a cemetery manager holds the land on which the cemetery is situated and all documents relating to the cemetery in trust for the purposes of a cemetery (section 33).

The transfer of ownership of a cemetery requires various approvals and other steps under the Act. On the transfer of ownership of the cemetery the purchaser will become the cemetery manager.

Section 34 of the Act sets out the duties and powers of cemetery managers in relation to keeping the cemetery so as not to be prejudicial to public health or public safety, record keeping, cemetery maintenance and access.

All officers of the proposed purchaser **must** ensure that they have read the *Burial and Cremation Act 2019* and *Burial and Cremation Regulations 2015* and understand all obligations and responsibilities that will apply to the body corporate as a cemetery manager.

Purchaser Obligations

A person (body corporate) must not purchase a cemetery unless it has been approved by the Regulator under section 32 of the Act. A penalty applies if a person purchases a cemetery without approval (section 51).

Information on how to apply to become a cemetery manager is available on the [Department of Premier and Cabinet website.](http://www.dpac.tas.gov.au/divisions/local_government/review_of_tasmanian_cemeteries_legislation/cemetery_management_information)

Cemetery Information

Rights granted in respect of the cemetery

On the transfer of ownership of the cemetery, the purchaser is required to fulfil each of the rights specified below in respect of the cemetery. The seller must make their best efforts to provide complete information, however the purchaser must honour all agreements regardless of whether it has been informed of them.

The purchaser is also required to provide written notification that it is the new cemetery manager to each person who holds an exclusive right of burial yet to be fulfilled, within 30 days after the transfer of ownership.

*The number of persons who have been granted the following rights in respect of the cemetery that are yet to be fulfilled:*

* Exclusive right of burial: \_\_\_\_\_\_\_\_\_\_\_
* Grant in fee of an interment plot: \_\_\_\_\_\_\_\_\_\_\_
* Grant for a term of an interment plot: \_\_\_\_\_\_\_\_\_\_\_

*Please provide details of monies held in trust to fulfil these agreements.*

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Agreements in force to maintain vaults, graves, or monuments.

On the transfer of the ownership of the cemetery, the purchaser is required to fulfil each of the agreements in force under section 39(3) of the Act, in respect of the cemetery, to have a vault, grave or monument maintained by the cemetery manager, whether or not the person holding the right is included in the numbers provided by the current cemetery manager in this document.

*Please provide the number of agreements in force to have a vault grave or monument maintained by the cemetery manager (refer to section 39(3) of the Act for more detail):*

* Number or agreements: \_\_\_\_\_\_\_\_\_\_\_\_

*Please provide clear details of the obligations imposed on the cemetery manager under each agreement:*

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*Please provide details of monies held in trust to fulfil these agreements.*

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Application of revenue of the cemetery

Section 36 of the Act requires the cemetery manager to make adequate provision out of any revenue received in respect of the cemetery for the purposes of:

* defraying the cost of establishing or acquiring the cemetery; and
* the maintenance and improvement of the cemetery.

The Act requires that any fees received by a cemetery manager for future maintenance of vaults, grave, and monuments are to be dealt with by the manager as capital money as if the manager were a trustee.

*Please detail below any provision made in respect of the cemetery under section 36:*

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Audit of the cemetery

Under the section 53 of the Act, within 6 months of the publication of a notice of intention to sell, the cemetery manager must undertake an audit in respect of the cemetery.

A copy of the audit is available to the proposed purchaser upon request (or please specify how the proposed purchaser may obtain a copy of the audit).

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Declaration

Date and time this document was provided to the prospective purchaser: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Signed (cemetery manager):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed (purchaser):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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