

Kilmore Public Cemetery

Policy & Procedures



ABN: 52 151 705 504

RIGHT OF INTERMENT

All public cemeteries in Victoria are situated on Crown land. When a person buys a cemetery plot, grave or niche, they are actually purchasing the right to determine who can be buried in that place. This is known as a 'right of interment' under the *Cemeteries and Crematoria Act 2003* (The Act)

The *Cemeteries and Crematoria Act 2003* gives the holder of the right of interment:

- the right to authorise the interment of human remains in the place of interment
- the right to decide if a monument or memorial may be erected on the site
- the obligation to maintain the monument if any is erected on the site
- the right to object to or endorse an application to exhume remains from the site
- the right to transfer or bequeath the right of interment to another party.

It is possible for a right to be issued in the name of more than one person. Joint rights can be exercised either individually by one holder or jointly by all holders. Kilmore Public Cemetery Trust (the Trust) recommends that joint holders of a right of interment come to an agreement over use of the site before approaching the Trust about exercising their right. The Trust cannot intervene in disagreements.

One of the key obligations of the holder of the right of interment is to promptly advise the trust of any change to their contact details or of the transfer of the right of interment to another party, so that the trust can maintain accurate and up-to-date records.

The Trust follow directives given by the Department of Health; follow the link to view further information about the [Right of Interment](#)

The Trust understands, promotes, and supports the use of a wide range of memorial items at its cemeteries. The Trust also understands that memorialisation items must be:

- Respectful to the deceased and all visitors.
- Durable (except for fresh flowers and temporary memorials).
- Safe for all visitors and for the Trust to conduct their daily tasks.
- Support the aesthetics, standards, and general nature of respective areas of the Cemetery.
- Respectful of and acknowledge cultural diversity.

This policy covers the requirements within the *Cemeteries and Crematoria Act 2003* (The Act) and the *Cemeteries and Crematoria Regulation 2015*.

MEMORIALS AND PLACES OF INTERMENT

All Right of Interments for graves and cremation positions in cemeteries are held by the Holder of the Right of Interment or the legal heirs of the original Holder of the Right of Interment, who have the primary responsibility for maintaining a memorial.

A monument or headstone must meet the minimum requirements of the Australian Standard AS 4204 – 1994 Headstones and Cemetery Monuments, or its successors.

Anyone wishing to erect or repair a monument or headstone must apply to the Trust on the approved Application for the Erection/ Alteration to a Place of Interment Form. The application must be accompanied by:

- The relevant fee.
- A plan or design of the memorial proposed to be established or altered, including details of inscriptions.
- The written consent of the Holder of the Right of Interment or other authorised person must provide permission for this application.

The Trust will require this authority in writing and may require a Statutory Declaration if the Holder is unable to

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sign the application form. Any work must be undertaken by a party that has been accepted by the Trust in its sole discretion for safe work practices, and work will not be allowed to commence without the receipt of a permit from the Trust. Each permit issued by the Trust is valid for a period of 12 months.

The Trust:

- will provide details of memorial specifications that may apply to the particular area of the cemetery, including height limits for monuments or headstones when requested.
- has no objection to granite candle boxes being incorporated into the design of monuments.
- may require applications, at the cost of the applicant, to include design and strength specifications and computations from an independent engineer to ensure stability and public safety.
- apart from temporary grave markers, does not permit the erection of timber monuments or structures.
- does not permit the use of bricks or masonry blocks.
- does not permit any inscriptions that may cause offence.
- will not approve plans for monuments which incorporate garden beds.

Temporary Memorials

The Trust may permit on request from the Holder of the Right of Interment or other authorised person to erect a wooden grave marker of a height no greater than one metre as a temporary marker on a grave subject to a description of the marker being provided by the Holder of the Right of Interment or other authorised person and the marker being maintained in a condition satisfactory to the Trust.

Unless written approval has been received, the grave marker may remain in position for a maximum period of one year following a burial or until a more permanent approved memorial has been installed at the grave; whichever comes first.

Plaques

Anyone wishing to install a bronze or granite plaque must apply to the Trust, with the plaque being subject to approval of material, size, wording and supports the standards for a specific area within the Cemetery.

Bronze plaques must be installed by authorised persons only (approved installers). Plaques may be affixed to monuments and headstones. In the lawn and rose garden areas, plaques must be installed on the concrete desktop.

Granite plaques may be permitted by the Trust at its sole discretion in some garden areas or affixed to monuments or headstones.

Office of Australian War Graves (OAWG)

All personnel who served in the Royal Australian Navy, the Australian Army or the Royal Australian Air Force are entitled to have their Service badge inscribed on their private memorial. Personnel who served in the Merchant Navy are entitled to an Australian Merchant Navy badge.

However, for copyright reasons, permission to inscribe a badge must first be obtained from the [Office of Australian War Graves \(OAWG\)](#)

Written requests for permission to use Australian badges or emblems other than those of the Navy, Army and Air Force, for example the badge of a particular Corps such as the Artillery, in any publication (including on a memorial) should be directed to the Department of Defence:

Defence Community Organisation (DCO)
DGPERS-A
R8-9-026 Russell Offices
Canberra ACT 2600.

Permission to use emblems of foreign services should be sought from the relevant Embassy or High Commission.

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Unauthorised Monuments Headstones or Other Structures

Any unauthorised monuments, headstones or other structures will be removed at the cost of the Holder of the Right of Interment.

The Trust may require a person to remove or alter a memorial if that person has established or altered the memorial without the approval of the Trust.

If a person fails or refuses to remove or alter the memorial, the Trust may remove or alter the memorial and dispose of it as it sees fit and recover the costs of taking action from the registered Holder of the Right of Interment.

Memorial Items

A person must not place the following items on a memorial or place of interment:

- Ceramic or glass items that are fragile or breakable.
- Metal items that are likely to deteriorate.
- Candles and candle boxes.
- Unauthorised items or items that are not consistent with the Cemetery's policies.
- Any item likely to cause a risk to health or safety.

Such items will be removed as they pose a potential health and safety risk to the public and Trust employees.

A person placing an item on a memorial or place of interment must ensure that the item does not extend beyond the boundaries of the memorial or place of interment.

The Trust has the power to remove any object that extends beyond the boundary of the memorial or place of interment; any object placed on a memorial or place of interment in contravention of the Act, the regulations, or the Trust's Policies and Procedures.

Flowers and Flower Vases

The Trust will allow both fresh and artificial flowers to be placed at a place of interment provided items do not extend beyond the boundaries of the place of interment.

Breakable vases and containers are not permitted and will be removed for safety reasons as they pose a potential health and safety risk to the public and employees.

Plastic spiked vases provided by the cemetery can be used as temporary receptacles.

Dead and stray flowers will be removed as required by the Trust prior to maintenance of the area.

Ornaments in Lawn Areas, Rose Gardens and Monumental Areas.

Loose ornaments may be permitted with the Trust's approval if they do not pose a health and safety risk to the public or Trust employees, do not inhibit the maintenance of the lawn and rose garden areas or encroach on other graves. Any items that pose a safety hazard are not permitted and will be removed.

If items are placed on the lawn or rose garden area and require removal by the Trust for operational or maintenance purposes, the items will be replaced by the Trust with care. However, no responsibility will be accepted for damage to items, or the accuracy of placing such items in their exact previous location.

Care of Memorials

Care and maintenance of any item of memorialisation is the responsibility of the Holder of the Right of Interment. Some of this care may include:

- removing weeds in or around a grave (Note: no herbicide is to be sprayed on or around graves.
- cleaning (including polishing) the graves and headstones, including the inscription.

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The Trust has no objection to a private contractor offering a paid service to perform this work, however private contractors must apply in writing to the Trust before offering to undertake the above work and must comply with the following terms and conditions:

- the Holder of the Right of Interment has provided written permission for this work to occur,
- no canvassing for business will be permitted within the Trust Cemetery,
- private records detailing ownership over graves will not be provided to anyone proposing an enterprise to undertake this work,
- the applicant must indemnify the Trust in writing against any claims for compensation which may arise because of the conduct of the enterprise,
- the applicant must provide proof of applicable Public Liability Insurance cover and other insurances as needed,
- the Trust is not prepared to grant any exclusive right of trade for these services. Any further similar applications may also be considered and approved by the Trust.

Structural Integrity of Memorials

The primary responsibility for maintaining a memorial rests with the Holder of the Right of Interment or their legal heirs.

When a grave, headstone or other memorial is found to be in a dangerous, unsafe, or unstable state immediate action must be taken in respect of it. If the family member or members likely to be responsible for its maintenance are identifiable, they should be contacted immediately and informed of the situation and directed to repair, remove, or make safe the memorial.

If the responsible person refuses to repair, remove, or make safe the memorial, then the Trust, with consent of the Department will make the memorial safe by either lying down or removing the memorial. If this is to occur, the Trust will request that the costs associated with the rectification are reimbursed to the Trust.

If the responsible person is not in the Trust's data base, the Trust will do its best to locate the person. If the Trust is not successful within a reasonable period, the Trust will place an advertisement in Mitchell Shire's local newspapers.

If the responsible person still cannot be located to repair, remove, or make safe the memorial, then the Trust, will make the memorial safe by either lying down, removing, or rectifying the footings of the memorial, with costs associated with rectification noted in the Cemetery Management System for potential future debt recovery.

Mausolea & Concrete Lined Graves (Vaults)

The Trust does:

- NOT permit the erection of private mausolea.
- NOT have public mausolea.
- NOT have any vaults.

Denominational Segregated Burial Areas

The Trust currently does not maintain any segregated burial areas, although this policy may be revised according to need. Religious gatherings may occur around the grave site on other days apart from the funeral.

Theft or Damage

The Trust:

- is unable to accept any responsibility for the theft of any item of memorialisation,
- is unable to accept any responsibility for damage to any item of memorialisation unless it can be shown that such damage was caused by tasks carried out by the Trust,
- will assist memorial owners in making claims for theft or damage under the Victorian Managed Insurance Authority Cemetery Trusts Insurance Program.

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Numbering

All memorials and plaques must be engraved with contain the gravesite or ashes interment site reference recorded in the Trust Registers and detailed in the paperwork prepared by the Trust and provided to the Holder of the Right of Interment/applicant.

COVID

The Trust seeks to comply with the State and Federal requirements for COVID.

The requirements are detailed on the State Government's website coronavirus@vic.gov.au. These restrictions are fluid but may include restrictions on the number of the members of the public that may attend funerals, the requirement of funeral directors to maintain a list of funeral attendees, and for the Trust to display at the Cemetery gates its QR code permitting other cemetery visitors to scan it.

CARE OF THE ENVIRONMENT

Vegetation

A person must not remove, pick, or damage any plant, flower, shrub, or tree in the Cemetery without the prior written approval of the Trust. A person must not dig or plant anything in a Cemetery without the prior written approval of the Trust.

No tree, shrub or other vegetation may be planted in the cemetery grounds, or on or near a grave without prior written approval of the Trust. Unauthorised plantings will be removed.

Management of Litter and Waste

There are bins located throughout the Cemetery to enable the removal of withered flowers, wrapping papers, rubber bands and other handling materials as well as weathered ornaments. The use of these bins will ensure that these products do not create a safety hazard or detract from the aesthetics of the cemeteries. If bins are not available, it is requested that rubbish is taken away.

Balloons

Releasing balloons into the environment is littering and illegal in Victoria. As of 1 July 2021, there are penalties for releasing balloons into the environment. For more information, please visit the [Environment Protection Authority Victoria website](#).

For further information, please contact the Trust.

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WEB: www.kilmorecemetery.com.au

References

Cemeteries and Crematoria Act 2003

Cemeteries and Crematoria Regulations 2015

Australian Standard AS 4204-1994 Headstones and Cemetery Monuments.