

PART ONE – OPERATION OF THE CEMETERY

POLICY 1 Preservation of the Cemetery and Its Character

The Buninyong Cemetery was the second registered cemetery in Victoria, with its first recorded burial occurring in 1852.

There is much local history associated with the cemetery, and, while providing for contemporary needs and approaches to interment and, as far as possible the wishes of clients, the Trust accepts its clear role in preserving the character of the cemetery as it has developed since 1852. Section 12 (2) (c) of the Act requires the Trust to “*preserve the heritage values of the public cemetery for which it is responsible*”

Therefore, in its planning and providing for the development of the cemetery, the Trust has agreed on policies which acknowledge the cemetery’s history, the pattern of the cemetery’s provision for the local community across a period of more than 160 years, and the wish of the community to retain the ordered and peaceful nature of its natural and ornamental setting.

As such, persons wishing to use the services and situation of the cemetery, must agree to abide by Trust conditions and Rules particularly those that relate to matters such as the approved forms of memorial or other forms of identification of the deceased, and/or the nature of ornaments or other forms of memorial decoration or planting.

The Trust’s policies and rules are designed to maintain the cemetery’s sense of order, its general uniformity in its design and memorials, its safety, and its overall character and dignity in its presentation to all those who use or visit the cemetery.

Reference – Policy Decision of the Trust, 19 May 2014

POLICY 2 Memorials and Monuments

2.1 Trust Powers

Having regard to the matters of consistency, the character of the various sections of the cemetery, preservation of the overall character of the cemetery, and safety and other restrictions, the Trust may give directions to a person regarding the form of memorial, identification on the resting place of the deceased, and/or of the dressing or decoration of a place of interment in the cemetery.

Reference – Cemeteries and Crematoria Act (Vic) 2003, Section 13

2.2 Non-approved Items on or adjacent to a grave

Without the written approval of the Trust, a person must not place on a memorial or other place of interment the following items

- any glass items, or ceramic* items that are fragile or breakable (* appropriately-constructed stone/ceramic vases may be obtained from stonemasons)
- metal items that are likely to rust or deteriorate. This includes small or large fences or guards made of metal.
- items likely to cause a risk to health or safety
- items considered by the Trust to be intrusive, inappropriate, or having an undesirable impact on adjacent or nearby places of burial, likely to diminish the serenity of the cemetery, detract from its general uniformity, or cause offence or upset to clients or visitors.

Examples of such non-approved items include solar or other forms of lighting, decorative or other commemorative items which exceed 30 cm in height in the Lawn section and 15cm in the Rose garden (ashes) section.

Should such items be placed on a grave without approval, the Secretary will request the removal of the item(s) by the holder of the right of interment or other authorized person.

In the case of refusal to do so, or inability to make contact with such authorized person, the Trust reserves the right to remove such non-conforming items. (See also Rule 2.3)

A person placing any 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.

Reference – Cemeteries and Crematoria Regulations (2005). Statutory Rule 76/2005, Schedule 6, Part 3 (8-10)

2.3 Power to remove objects

Further to Rule 2.2, the Cemetery Trust may remove, or have removed, any of the following from a memorial or place of interment

- any object that extends beyond the boundary of the memorial or place of interment
- any dead flowers or plants or other item that is in poor condition
- any object placed in contravention of the Act, the Regulations or these Rules

The Trust will ensure that anything removed under the above provisions is disposed of in a manner considered appropriate by the Trust

Reference – Cemeteries and Crematoria Regulations (2005). Statutory Rule 76/2005 Schedule 6, Part 3 (11)

2.4 Planting

2.4.1 Lawn Section

Any planting should be approved by the Trust, and

- usually be of the form of a low-growing dwarf bush rose, or similar dwarf plant that grows to or can be pruned and maintained to dimensions not exceeding 40cm in width and 40cm in height. The Trust reserves the right to trim any plants so that they comply with these dimensions. Plants such as native trees, cypress or larger shrubs with intrusive root systems are specifically banned
- must be confined to the 'scoria' space between the concrete beams (in the lawn section) and not be planted in any other place
- must not intrude beyond the boundaries of any grave, and
- must be removed/replaced by the holder of the right of interment or authorized person in the event of the plant(s) dying

2.4.2 '2019' Release Sections

In the case of the lawn sections released for purchase after April 2019, the Trust has planted small rose bushes on the boundaries of each grave site. Holders of the right of interment to each of the sites in these new sections are restricted to the planting of *one* plant which accords with the above restrictions

The provisions of Rule 2.2 and Rule 2.3 concerning the Trust's powers to remove any non-conforming grave decorations will also include planting which does not meet the provisions of this rule, and shall include the power to trim plants to approved height/width.

Reference – Policy Decisions of the Trust, 19 May 2014, 27 May 2019

2.4.3 Memorial Ash Gardens 2019 (No 5 and 6)

The Trust has prohibited any private plantings in either of these gardens. The Trust has planted central rose bushes and daffodil bulbs within the gardens. One private memorial object or item not exceeding 15cm for any dimension may be placed immediately behind the plinth section allocated to a particular interment. See also Rule 8.1 for further detail.

Reference : Policy decision of the Trust, 27 May 2019

2.5 Memorial Seats

A limited number of seats (of a style and quality agreed by the Trust) and dedicated to the memory of a deceased person(s) may be approved by the Trust. A plaque may be attached to such seats. Should such a seat be approved by the Trust, all costs and payments for the installation of such seats, and of their ongoing maintenance will be the responsibility of the authorized person making the request.

Reference – Policy Decision of the Trust, 19 May 2014

2.6 Plaques/Identification of Burial Place of Deceased

All forms of identification (such as plaques) or memorial for a deceased person interred in this cemetery shall accord in style, size, colour, and material with other such forms in the particular section of the cemetery.

Any temporary form of identification attached to a grave shall not be permitted to remain for a period exceeding three months from the date of the burial, except in the case of a temporary marker approved by the Trust (see 2.6.5)

The following rules/specifications shall apply to the various forms of identification attached to or associated with a memorial or place of interment in the designated section of the cemetery

2.6.1 Lawn Section –

The Lawn Section of the cemetery is maintained in perpetuity by the Trust

The grave shall be marked only by a bronze metal plaque or by a plaque of black stone/ granite of a form approved by the Trust and which accords in style, size, colour and material with other identifying plaques in this section of the cemetery. The standard size for plaques in this section is 381mm x 216mm.

No more than three standard-size plaques will be permitted on any site and plaques must not extend beyond the boundary of that site.

Policy decision of the Trust 29 February 2016

2.6.2 Monumental Section –

Memorials/monuments/headstones in this section of the cemetery must generally accord with the general character, style, colour and materials of other memorials, headstones or monuments. An approval process for construction of memorials is detailed in Rule 2.7

Maintenance of the grave site and any monuments (including safety provisions) in this section of the Cemetery is the responsibility of the holder of the Right of Interment.

2.6.3 Cremated Remains (Memorial Rose Garden) section

Adjacent to the creek, there are circular garden areas in which ashes may be interred and one designated area where, with approval, ashes may be spread.

For memorial Gardens 1 and 2 which have a border comprised of bluestone pitchers, the plaque shall be of bronze and no larger than 178mm x 178mm (or, as advised, of a size appropriate to the stone on which it is to be placed)

In Gardens 3- 6 the size of the plaque should be 178mm x 178mm or, in the event of two associated plaques being fitted to, or expected to be fitted to the same location, 178mm x 102mm

No plaques or other identifying items are permitted in the case of ashes being spread in the designated area (See Policy 7.2)

Reference -Policy Decision of the Trust, 19 May 2014

2.6.4 Dell of Memories

The Dell of Memories is a quiet treed area, overlooking rockeries and ponds, in the south east corner of the cemetery, especially designed as a place of reflection for those wishing to mourn or remember a deceased loved one *not buried in this cemetery*.

Following pre-approval by and payment of the appropriate fee to the Secretary to the Trust, a small bronze plaque (size 150mm x 75mm) may be attached to one of the large 'memorial rocks' in the garden area of the Dell of Memories.

These plaques must relate to a person interred elsewhere or whose ashes have been spread or are located in another place and must be ordered and affixed by cemetery personnel.

Policy decision of the Trust 28 May 2018

2.6.5 Interim Grave Markers

Professionally designed and manufactured temporary identification markers/signs, having been approved by the Trust, may be left *in situ* for a period not exceeding twelve months following a burial. After this time such signs will be removed and stored for a period of no longer than three months.

Policy decision of the Trust 29 May 2017

2.7 Erection of Monuments

Unless otherwise advised by the Secretary, prior to the erection of any monument, the Trust requires that the designated monumental mason must seek a permit from the Trust, and must

- provide drawings including measurements and exact locations of the monument and its footings.
- Indicate whether the proposed monument complies with the standard for all monumental construction in Victorian cemeteries (*AS-1201 Headstones and Cemetery Monuments*)
- submit a work schedule to the Trust outlining the timing of works, including inspection times
- keep a copy of the permit issued by the Trust with him at all times when working in the cemetery

So that a representative of the Trust may make an inspection, the mason must also contact the Trust at the following stages of construction of a monument/memorial

- after excavation of the foundations and placing of reinforcement, but before concrete for foundations is poured, notify the Trust so that a representative of the Trust may inspect the site
- during construction to ensure that all dowels are correctly positioned
- on completion, but while the masons are still on site, to ensure that the monument is constructed according to the specifications provided and that the site is left tidy

Without the express approval of the Trust all memorial construction work shall be carried out by a qualified monumental mason, and, so far as practicable, such work or preparations for such work shall be carried out off-site

*Reference – Department of Health, Manual for Class B Cemeteries, April 2013, p81-82
Reference- Cemeteries and Crematoria Regulations (2005) Statutory Rule 76/2005, Schedule 6, Part 4 (12-13)*

2.7.1 Non-standard Memorials in the Denominational Section

In the *Preamble* and in Policy 1 herein, reference is made to the Trust's policy which aims to maintain general uniformity in the design of its memorials. For reasons assessed by the Trust to be "compelling" consideration *may* be given to the approval of a 'non-standard' memorial provided that it is not intrusive or markedly out of character, and that the following conditions are met

- that drawings, measurements and full description of the materials of the proposed memorial are submitted
- that details of footings and depth of its setting below ground level are submitted
- that the works are carried out by a stone mason or such person, deemed by the Trust to have appropriate skill and experience to enable the work to be safely undertaken.

2.7.2 Dissembling of Monuments

On any occasion when an erected monument is to be dissembled (for example for the interment of another person's body, or in an exhumation situation), approval from the Secretary of the Trust must first be obtained by the Funeral Director or by the holder of the right of interment.

The Trust requires that any work requiring the temporary removal of a ledger from a memorial must be carried out by a monumental mason who will be responsible for its temporary removal, its relocation away from the grave site during a funeral or exhumation work, and the subsequent replacement, repointing and re-sticking of the ledger.

The appointed monumental mason must strictly observe OH&S guidelines throughout this process.

Policy decision of the Trust 25 May 2015

2.8 Memorial on Grave of a Deceased Poor Person

The decision whether to allow a relative or friend of a deceased poor person to establish a memorial on a public grave is a Trust decision. The trust will take into account

- whether the gravesite is to be used for future public interments. If this is so, the Trust should advise that the proposed memorial may need to be temporarily moved, when necessary to accommodate any future public burials
- the size and type of the proposed memorial
- factors listed under S 99 (1) (b) of the Act

- ownership of the memorial and terms and conditions regarding the process if the memorial is removed, damaged or replaced
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Reference- Department of Health – Manual for Class B Cemeteries, April 2013, p 57

2.9 Safety of Monuments

Under s 104 of the Act, the holder of the right of interment is responsible for ensuring that any monument or memorial is maintained in a safe and proper condition. The Act does not authorise the Trust to expend its funds on ensuring the continuing structural integrity of all of the monuments in its cemetery.

If the holder of the right of interment fails to comply with a request to make the place of interment safe and proper, the Trust may repair, or with the approval of the Secretary to the Department of Health, take down such monument. Under the provisions of S 108 of the Act, the Trust may recover the cost of this work from the holder of the right of interment

Reference – Department of Health, Manual for Class B Cemeteries, April 2013, p 83
Reference – Cemeteries and Crematoria Act (Vic) 2003, Section 104

POLICY 3 Right of Interment

A person who purchases a ‘*Right of Interment*’ does not buy the land associated with the site, as all public cemeteries in Victoria are located on Crown Land. What is actually purchased is the right to determine who will be buried in that grave. A Right of Interment shall be paid for in full, at the current rate, at the time of the purchase.

3.1 Maximum Purchase of Rights

A maximum of three “Rights” may be purchased or held by any individual at any one time. All must be paid for in full in advance.

In circumstances deemed to be appropriate, a limited-time “reservation option” over a grave site or up to a maximum of three grave sites, may be granted by the Secretary. Unless payment in full for the *Right of Interment* for such site(s) is received within a period of three months from the time the ‘option’ is granted, the site(s) will revert to the list of those generally available for purchase.

Reference – Policy Decision of the Trust 19 May 2014

3.2 Rights and Obligations

Subject to the Act, and to local Rules as determined by the Trust, a ‘*Right of Interment*’ gives the holder (owner)

- the right to authorise the interment of human remains in the designated place of interment.
- (subject to powers of an executor and/or beneficiaries) the right to decide if a monument or memorial (which shall accord with Trust policies) shall be erected on the site. This applies only to the monumental section, and is subject to the conditions of Rule 2.8
- the obligation to maintain any such monument or memorial
- the right to object to or endorse an application to exhume remains from the site, and
- (subject to Rule 3.4 and approval by the Trust), the right to transfer or bequeath the right of interment to another party

Reference – Department of Health, Manual of Victorian Class B Cemeteries, April 2013, 99

3.3 Exercising the Right of Interment

Under S 78 of the Act, a right of interment is considered to have been exercised if

- human remains, which include bodily remains and cremated remains, are interred at the designated site, or
- the holder of the right of interment creates a memorial at that place of interment

3.4 Transfer of a Right of Interment

At least three situations may arise in this regard

3.4.1 Voluntary transfer request from a holder of the Right. In this case Section 79 of the Act obtains. Any payment made must not exceed the current cemetery Trust fee. Advice re the transfer, including full details and agreement of the transferor and the transferee must be made in writing to the Trust.

3.4.2 In the case of death of the holder. In such a case the transfer will normally be made according to the terms of the will of the holder. If no such provision is made, the right is transferred according to the rules of intestacy

Reference Manual for Class B Cemetery Trusts, p 103)

3.4.3 A submission is made to the Trust that the holder of a Right has lost capacity or is otherwise unable to exercise that right. In such a case the provisions and procedure detailed in Rule 3.5 will apply.

3.5 Right of Interment holder deceased, not known, or unable to exercise power

Situations may arise where some action is requested relating to a grave site and it is claimed that the holder of a right of interment is not known, cannot be found or, for various reasons cannot adequately or appropriately exercise the power associated with the Right.

In such an event of any of the above situations prevailing, the person making the enquiry or request must swear a statutory declaration which fully details

- the circumstances relating to the situation including the reason why this person has made contact with the Secretary
- the efforts that have made to locate or identify the right holder
- the relationship of the person making the statutory declaration to the person believed to be the holder of the right

This declaration must be submitted to the Trust Secretary

Policy decision of the Trust, 27 August 2018

3.6 Disputes concerning ownership of a Right of Interment

Should the Trust become aware that a dispute exists between parties in this regard, it will not take instructions regarding the exercise of that right until it is informed in writing that the dispute has been resolved. It may advise parties to seek mediation assistance from the *Dispute Settlement Centre of Victoria*.

Actions taken by the Trust in such a matter will be recorded in its Minutes

Reference: Manual for Class B Cemetery Trusts, April 2013, p 104.

Reference – Department of Health, Cemetery Sector, Governance Support Newsletter, Edition 2, 2018, p1

3.7 Surrender of an Unexercised Right of Interment

A sole holder of a *Right of Interment* may surrender an unexercised right to the Cemetery Trust, and shall be entitled to a refund of the *current fee* for such a right, less a gazetted administrative charge calculated on a weighted/sliding scale, and any maintenance costs incurred by the trust. This scale ranges from 3 per cent after one year, to 45 per cent after twenty-five years.

Prior to 1 September 2019, should there have been any pre-payment of the associated *Burial Administration Fee/Interment Fee* at the time of purchase of the *Right of Interment*, a refund of the full *amount paid at that time* shall be made. From the above date it will not be permitted to pre-pay for the Burial Administration/Interment or any other related fees. These shall be paid at the time of the exercise of the Right on Interment at the then-prevailing rates.

Reference –Department of Health Manual for Class B Cemeteries, April 2013 pp 89-90, 158
Reference – Cemeteries and Crematoria Act (Vic) 2003, Sections 79-84

3.8 Surrender of an Unexercised Site in the Memorial Rose Garden section

Should a fee have been pre-paid for a site in the Memorial rose garden section of the cemetery, and should that site be surrendered, the provisions detailed in Section 3.7 shall apply, ie the refund will be the *current fee* for such a site less maintenance costs and a handling/costs fee as approved by the Trust from time to time.

POLICY 4 Burial procedures and responsibilities

The Secretary has the responsibility of ensuring that all requirements relating to an interment at this cemetery are conducted according to statutory requirements and procedures, and other policies of the Trust.

Such procedures are detailed in the *Instrument of Delegation of Powers Relating to Burial* (See Section 12) and include

- after contact by a funeral director and agreement by the Secretary as to an appropriate schedule and fees for the interment, to make associated arrangements
- receipt of a medical certificate of the cause of death of a person aged 28 days or older
- receipt of an application for interment authorisation
- authorise interment of human remains by a holder of an RoI

Other requirements for documentation required are as detailed in Appendix 8 of the *Manual for Class B Cemeteries*.

4.1 Payment of cemetery Fees

It is a requirement of the Trust that payment of fees to the Cemetery associated with an interment be paid to the Secretary of the Trust prior to, or immediately preceding the interment.

Should this not be done, the Funeral Director must agree to assume responsibility for payment of these fees either at the time of the interment, or sign an Agreement to pay such fees, as per the conditions of Schedule 3, and then seek recovery from the family/clients

POLICY 5 Interment by Family

With approval of the Trust, a family or other individuals approved by the executor of an estate may perform some or all of the arrangements prior to the body being of the deceased being delivered for interment. However, the cemetery Trust shall ensure that all statutory requirements for interment have been met.

These particularly relate to

- compliance with r 13 of the regulations relating to transportation of bodily remains within the cemetery
- use of a coffin or other substantial receptacle that (i) is clean and hygienic (ii) is constructed of wood, metal or other substantial material, and (iii) from which no offensive or noxious emissions nor matter from the bodily remains or parts will escape

Reference - Department of Health – Manual for Class B Cemeteries, April 2013, pp 51, 53,55

POLICY 6 Interment of a Deceased Poor Person

Under ss1.12-1.15 of the Act, the Trust, upon the order of a Magistrate or Coroner (having been satisfied that the person died without sufficient means to pay interment expenses or that relatives or friends are unable to pay the charge) will permit the interment of a deceased poor person free of charge whatsoever

The Trust will provide for burial of such a deceased poor person in such a 'public' grave to be dug at public expense, and with the rights of interment of such grave remaining with the Trust. The Trust may determine to inter a number of bodies, of otherwise unconnected people, in the same grave.

A plaque may be placed by the Trust on the place of interment of such a poor person should the Magistrate or Coroner require this under s 1.13 of the Act.

Reference – Department of Health, Manual for Class B Cemetery Trusts, April 2013 pp 56-57

POLICY 7 Interment of a Still Born Child

In the *Births, Deaths and Marriages Registration Act, 1996*, a still-born child is defined as a child that reaches at least 20 weeks gestation. A still-born child is regarded as 'bodily remains' and therefore must be interred in a public cemetery

An application to inter a still-born child must be in the prescribed form and accompanied by a Medical certificate of perinatal death signed by the medical practitioner who attended the deceased after the death occurred.

Reference –Department of Health, Manual for Class B Cemeteries, April 2013, p 56

POLICY 8 Cremated Remains - Interment or Spreading of Ashes

The Buninyong Cemetery Trust provides several options for persons wishing to utilise the Buninyong Cemetery for the purpose of interring or scattering the cremated remains of a deceased person.

In all cases, approval of the Secretary of the Cemetery Trust must be first obtained, and details of the deceased person provided to the Secretary in order to establish appropriate records, and to comply with the need to record burials/interments/scattering of cremated remains under the requirements of the *Cemeteries and Crematoria Act 2003*.

Only, the person(s) responsible for authorising the cremation of the deceased shall be deemed the person authorised to take action in regards to the placing or scattering of ashes in the Buninyong Cemetery. Such authority may be held by the person who authorised the cremation, or the executor of the estate

The approved options relating to the interment or spreading of cremated remains (ashes) are

8.1 Interment of ashes in the Memorial Rose/Ash Garden area.

The cemetery has a memorial area for the interment of persons who have been cremated, and where the relatives of the deceased may wish to have the remains placed in around the perimeter of one of the discrete, garden areas designated specifically for the interment of ashes, and where a small memorial plaque may indicate the resting place of the deceased.

There are restrictions on what may be placed in the central garden section where the roses are planted (See also Rules 2.2, 2.4, and 2.4.2). For Rose Gardens No 5 and No 6, NO planting is permitted adjacent to a burial location. Central roses have been planted together with daffodils in these gardens.

The Right of Interment does not apply to this garden area but just to the place, immediately inside the border, where the ashes are interred.

The following conditions will apply

- approval must be first obtained in writing from the Secretary of the Trust and a designated location on the perimeter of one of the memorial gardens is agreed/determined. A Right of Interment for that agreed area must be purchased
- conditions relating to plaque size, format, material and colour are agreed (See Rule 2.6.3)
- payment of the appropriate interment fee applying to this section of the Cemetery is made

8.2 Scattering of Cremated Remains

No remains may be scattered within the Cemetery without Trust approval. Should the wishes of the authorised person(s) be that the cremated remains of the deceased be scattered within the Buninyong Cemetery, the following conditions will apply

- approval of the Secretary as referred to above must be first obtained and details of the deceased provided
- payment of a specified fee is made
- no plaques or other forms of memorial will be permitted
- the scattering of ashes will be permitted only within the designated area* of the Buninyong Cemetery. At the time of approval being sought, the Secretary will indicate to the authorised person that section of the Buninyong Cemetery upon which ashes may be spread.

*(*In general terms this “designated area” is the section on the eastern side of the creek opposite the ash garden areas)*

This activity must be carried out in the presence of an authorised member of the Cemetery Trust or staff or person otherwise nominated by the Secretary of the Trust.

This authorised person will be responsible for noting the location at which the ashes were scattered so as to enable Cemetery staff subsequently to comply with ACCA guidelines which provide that the surface where the spreading occurred “*should be subsequently top-dressed with a light covering of fine soil.*”

8.3 Interment of Cremated Remains in a Grave

Subject to the approval of the holder of a Right of Burial first being obtained in writing, cremated remains may be interred in an existing family grave in the Buninyong Cemetery *provided that there is already a person buried there (or proposed to be buried there)*. Also

8.3.1 written approval for use of the grave for this purpose including details of the deceased person is provided by the authorised person, and the approval of the Trust Secretary is first obtained

8.3.2 payment of the then-current '*ashes burial fee*' is paid

8.3.3 any plaques or other forms of memorial whether on a headstone or, in the case of a lawn section grave on the concrete plinth, shall not exceed three in number and must not be placed outside of the boundary of the grave site

8.3.4 cremated remains are interred within the grave under the supervision of a person delegated by the Secretary to ensure appropriate lodgement, and so that they need not be disturbed if the grave is subsequently opened to permit another burial

8.3.5 there is no limit to the number of cremated remains interred in any one grave provided that there is a demonstrated relationship to the person buried or proposed to be buried there.

8.4 Inclusion of Cremated Remains Within a Coffin Prior to Burial

The ashes of a deceased person may be placed within the coffin of a person about to be buried at the Buninyong Cemetery provided that the Funeral Director responsible for the impending burial completes the relevant form containing details of the deceased person associated with the ashes, and lodges this with the Secretary prior to the burial. No fee will be associated with this.

Reference -Policy Decision of the Trust 26 November 2012

Reference- Ballarat Cemetery Trust , Policy 23

POLICY 9 Use of Cardboard Coffins

The Buninyong Cemetery Trust will permit the use of a cardboard coffin provided it strictly accords with the ACCA Guidelines (Revised June 2009), *and that prior advice is received from the Funeral Director that a cardboard coffin is proposed to be used*

The ACCA Guidelines require that Funeral Directors shall satisfy the Trust that detailed criteria such as the following have been met.

- *the solidity and strength of receptacle*
- *the security and labelling of the receptacle lid*
- *avoidance of damage to the receptacle lid by floral tributes*
- *the body of the deceased being placed in the receptacle immediately prior to transportation*
- *provision of certification concerning its weight and weight capacity*
- *use , and securing within the receptacle, of an approved body bag*

Reference – Ballarat Cemetery Trust Policy 10 , and ACCA Guideline 2009

POLICY 10 Exhumation

Under s 156 of the Act, a person may apply to the Department for an exhumation licence to exhume or remove human remains from any place of interment. The applicant must have the written authority of the holder of the right of interment to exhume such remains and the permission of the Trust to do so

A request for an exhumation licence must include

- an application to the Secretary of the Department of Health
- payment for the relevant amount
- a letter from the Trust identifying the current holder of the right of interment, and indicating that the Trust has no objection to the proposed exhumation taking place

Together with one of the following

- an original or certified copy of the death certificate
- a copy of the Coroner's report releasing the body of the deceased to a specified person
- (in the case where death occurred in another jurisdiction, a medical certificate from that jurisdiction, of the cause of death

Reference – Department of Health. Manual for Victorian Class B Cemeteries, April 2013, 71

POLICY 11 Burial Limitations

No more than two** bodies may be interred in any grave.

Policy decision of Trust 29 February 2016

*** Should it be known that a second person may be interred in the same plot as an initial burial, where possible advice of this should be given to the Funeral Director and Secretary prior to the first burial.*

POLICY 12 Activities within the Cemetery

12.1 Approval for an activity

The Trust may approve the carrying out of an activity relating to mementoes, building within the cemetery, digging or planting provided that it is satisfied that such activity is not inconsistent with the care, protection and management of the cemetery.

Any such approval shall be in writing and may contain terms and conditions which the Trust considers to be reasonable.

12.2 Building and structures within the Cemetery

Unless a person has approval under the Act to do so, a person may not construct or erect any building, structure, enclosure or fence in the cemetery without the prior written approval of the Trust

Reference – Statutory Rule 76/2005 Schedule 6, Part 5 (16)

12.3 Animals in the Cemetery

A person must not allow any animal other than a dog to enter into or remain in the cemetery without the approval of the Trust.

Conditions of such entry are

- such dog or other animal must be kept under immediate control at all times
- the person having control of the animal must dispose of any excrement produced by that animal
- the animal must be prevented from causing a disturbance or annoyance to any other person in the cemetery

Reference – Cemeteries and Crematoria Regulations (2005) Statutory Rule 76/2005 Schedule 6, Part 5 (14,15)

12.4 Damage within the Cemetery

A person must not disturb, demolish or damage any cemetery Trust property or any items on cemetery Trust property including monuments, buildings, structures, fences or roads

Reference – Cemeteries and Crematoria Regulations (2005) Statutory Rule 76/2005, Schedule 6, Part 5 (17)

12.5 Banning People from the Cemetery

Should the Cemetery Trust believe that it has sufficient grounds to ban a person from the cemetery it will

- give notice of the ban in writing, citing reasons for the ban and the duration of the ban
- specify the power under which the Trust is imposing the ban

The Trust will advise the Department before introducing any ban

Reference – Department of Health, Manual for Class B Cemeteries, April 2013, p109

12.6 Hunting, Fishing or Bathing in the Cemetery

A person must not hunt or set up snares, traps or poisons in the cemetery without the prior written approval of the cemetery Trust.

A person must not fish, swim or bathe in any waters in the cemetery without prior written approval of the Trust

Reference – Cemeteries and Crematoria Regulations (2005) Statutory Rule 76/2005, Part 7 (Regs. 31,.32)

12.7 Ceremonial Use of Fire

A person who uses candles, lanterns, incense, joss sticks or other similar items in association with ceremonies for the interment or commemoration of the dead must

- advise (and receive approval of) the Trust in advance of the intention to perform such ceremonial use of fire, and
- ensure that all items that have been alight are extinguished at the end of the ceremony.
- not engage in any ceremonial use of fire on a day of Total Fire ban or when otherwise not safe to do so

Reference – Cemeteries and Crematoria Regulations (2005) Statutory Rule 76/2005, Part 7 (Reg.37)

12.8 Camping in Cemetery

Camping is prohibited in the Cemetery

Reference- Cemeteries and Crematoria Regulations (2005), Statutory Rule 76/2005, (Reg.33)

12.9 Commercial Activities in the Cemetery

Commercial activities in the cemetery are prohibited, including the making of unsolicited contact with another person for the purposes of promotion or marketing of the supply of goods or services relating to the interment, cremation or memorialisation of the dead

Reference – Cemeteries and Crematoria Regulations (2005), Statutory Rule 76/2005, Part 7 (Reg.25)

