

Warrnambool Cemetery Trust

RULES AND REGULATIONS REGARDING MEMORIALS

The **Warrnambool Cemeteries Trust** (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 (with the exception of fresh flowers and temporary memorials)
- Safe for all visitors and for cemetery staff to conduct their daily tasks; and
- Support the aesthetics, standards and general nature of the particular area 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 (The Regulations).

All Rights 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 the memorial.

Memorials and places of interment

A person must apply to the Trust for approval to establish or alter a memorial in the cemetery. The application must be accompanied by the relevant cemetery fee; and a plan or design of the memorial proposed to be established or altered; and the written consent of the Holder of the Right of Interment.

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

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.

Temporary Memorials

The Trust will permit a wooden grave marker or height no greater than one metre as a temporary marker on a grave subject to 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 two years following a burial or until a more permanent approved memorial has been installed at the grave; whichever comes first.

Memorial items

A person must not, without the approval of the Trust, place the following items on a memorial or place of interment -

- a) ceramic or glass items that are fragile or breakable; or
- b) metal items that are likely to deteriorate.

A person must not place any item likely to cause a risk to health or safety on a memorial or place of interment.

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

Warrnambool Cemetery Trust

The Trust has the power to remove any object that extends beyond the boundary of the memorial or place of interment; any dead flowers or any other item that is in poor condition; any object placed on a memorial or place of interment in contravention of the Act, the regulations or the Model Rules.

Vegetation

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

A person must not dig or plant anything in a cemetery without the prior written approval of the Cemetery Trust.

GUIDELINES

Solar Lighting

The Trust approves the use of solar lighting on memorials provided that it is maintained and is respectful of other memorials in the vicinity.

A person may not place solar lighting outside the perimeter of the monument and grave site.

Flowers and Flower Vases

The Trust will allow both fresh and artificial flowers to be placed at a grave or cremated remains interment site, provided all items do not extend beyond the interment site.

- Breakable glass, ceramic etc. 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.
- Cemetery provided plastic spike vases can be used as temporary receptacles.
- Dead and stray flowers will be removed as required by cemetery employees/contractors prior to maintenance of the area.
- Up to two granite or masonry flower containers may be affixed to the beam in a lawn headstone area, provided such flower containers do not encroach onto other graves or obstruct lawn mowing equipment.

Ornaments in adult lawn areas and monumental areas

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

If items are placed on the lawn area and require removal by staff for maintenance, those items will be replaced by staff with care; however no responsibility will be accepted for damage to items, or the accuracy of replacing such items in the exact location.

Ornaments in children's lawn areas

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

If items are placed on the lawn area and require removal by staff for maintenance, those items will be replaced by staff with care; however no responsibility will be accepted for damage to items, or the accuracy of replacing such items in the exact location.

Plaques

Warrnambool Cemetery Trust

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

Bronze plaques must be installed by authorised persons only (approved installers) and may be affixed to monuments, headstones or installed in lawns, which then must be flush to ground level and positioned in front of the lawn headstone or principal bronze plaque.

Granite plaques may be permitted in some garden areas, or affixed to monuments or headstones.

Monuments and Headstones

Anyone wishing to erect or repair a monument or headstone must submit an application to the Trust on the approved "Application for Erection/Alteration to a Place of Interment form".

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

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 sign the application form.

Any work must be undertaken by a party that has been accepted by the Trust 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 only.

Any unauthorised monuments, headstones or other structures will be removed at the cost of the right of interment holder.

The Trust

- will provide details of height limits for monuments or headstones when requested.
- has no objection to granite candle boxes being incorporated in 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 provision for garden beds.

Private Mausolea

The Trust does not permit the erection of private mausolea.

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.

Warrnambool Cemetery Trust

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 any Trust-operated 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 of compensation which may arise as a result 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 for the Right of Interment of 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 cemetery database, the Trust will try and locate the person in the phone directory. If this is not possible, the Trust will place an advertisement in the local paper.

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 possible future debt recovery.

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 cemetery staff;
- will assist memorial owners in making claims for theft or damage under the Victorian Managed Insurance Authority Cemetery Trusts Insurance Program.

Management of Litter and Waste

There are bins located throughout most Trust cemeteries 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 or detract from the aesthetics of the cemeteries.

If bins are not available, it is requested that rubbish is taken away.

Warrnambool Cemetery Trust

References:

Cemeteries and Crematoria Act 2003

Cemeteries and Crematoria Regulations 2015

Australian Standard AS 4204-1994 Headstones and Cemetery Monuments