

Purpose:

The purpose of this policy is to set out the framework (model of rules) for the establishment and alteration of memorials in the Nathalia Public Cemetery. This policy is to be used by providers of service, funeral directors and holders of the Right of Interment plus members of the Nathalia Cemetery Trust.

Legislative requirements:

The Cemeteries and Crematoria Act 2003, Part 7 Division 2, establishes the power for a Cemetery Trust to approve and manage the establishment and alteration of memorials within the cemetery. In particular, clause 99(1) (c) enables a Cemetery Trust to refuse an application for any other reason that the cemetery trust thinks fit.

The Department of Health and Human Services (the Department) have advised that where a Trust develops a policy to manage operating procedures of the cemetery which does not alter or conflict with the Model Rules for the Cemetery, the Trust consulted with the Department however the Policy was not formally approved by the Governor in Council.

The Trust has reviewed this Policy and has not sought approval from the Governor in General as the Policy does not conflict or alter the Model Rules for the Trust.

Background:

The **Nathalia Cemetery Trust** (the Trust or NCT) request, that any memorialisation items must be:

- Respectful to the deceased and all visitors
- Durable (with the exception of fresh flowers)
- Safe for all visitors and for cemetery workers to conduct their daily tasks
- 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 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.

NOTE: The Trust will only approve 4 deceased persons per grave site. Combinations such as 2 bodily remains plus 2 ash urns or 1 bodily remains and 3 ash urns

Applications for memorials:

A person must apply in writing to the Trust for approval to establish or alter a memorial in the cemetery. Applicant must be the holder of ROI or provide the written consent of the Holder of the Right of Interment. Any application must be lodged with the relevant cemetery fee. A plan or design of any planned work/structure must be within NCT guidelines. This must be completed prior to work being conducted by the monumental stone masons. The trust will provide written approval for all applications and no application is deemed approved unless written approval is provided.

The Trust may require the removal or alteration of a memorial if it has been placed or altered without written approval from the Trust. If a person fails or refuses to remove or alter the memorial, the Trust may remove or alter it and dispose of it as it sees fit.

Plaques:

From 1st July 2022 Nathalia Cemetery Trust will no longer be coordinating memorial plaques.

The Right of Interment to communicate directly with the provider of their choice regarding the plaque wording, design and installation in line with the NCT guidelines, preferable within 12 months of interment.

Local providers are:

DP Jones and Co, Bronze Plaque Manufacturers, Monumental Masons from Kyabram

AC & RJ Lau, Monumental Masons from Tallygaroopna.

Temporary Memorials:

The Trust will supply at cost a cement marker to temporarily label a grave in the monumental section and a small bronze label marker on the Lawn sections beams, in the Rose Garden and the Niche wall until such time that the families organize an authorized plaque or monument.

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; or
- metal items that are likely to deteriorate
- vertical objects higher than 300 mm

A person must not place any item likely to cause a risk to health or safety on a memorial or place of interment. When placing an item on a memorial or place of interment you must ensure 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 dead flowers or any other item that is in a 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 Trust.

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

GUIDELINES:

Rose Garden Area A & B & C

The Rose gardens have limited space beneath and between the rose plants for ashes interments or memorial plaques. When purchasing in this area, two ashes interments only are allowed in the double plot size (800mm in length x 300mm in width). How a plot is to be used, either as interment or for memorial only, should be stated on enquire or purchase.

The interment of ashes in the Rose garden or Niche wall is to be arranged by contacting NCT and a temporary plaque will be placed at the interment by NCT.

The completed plaque is to be installed by the plaque provider.

All Memorials in the rose garden may consist of only the following size plaques, 132mm x 102mm, 150mm x 117mm or 152mm x 152mm.

There are no stone/rock/bolder or granite slope/desktop memorials allowed in the rose garden areas.

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.

Flower bud vases may be purchased for the Niche wall through the plaque provider and secured to the left hand side of the Niche wall by the plaque provider.

- Breakable glass, ceramic etc. vases and containers are not permitted and will be removed for safety reasons as they pose a potential health & safety risk to the public and workers.
- Dead and stray flowers will be removed as required by cemetery employees/contractors prior to maintenance of the area.

Ornaments in lawn areas and monumental areas:

Small loose and non-breakable ornaments may be permitted if they do not pose a health and safety risk to the public or Trust 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 and will be removed by the Trust.

Candle Box:

Due to our rural location and the increased risk of fire the Trust does not permit candles or candle boxes that use naked flames. The Trust acknowledges different cultural practises and will accept LED/battery operated 'candles'..

Plaques:

Plaques may be installed to monuments, headstones, beams, Niche wall and on stands in the Rose Garden.

Granite Plaques may be permitted in the **Baby grave area** or affixed to monuments or headstones in the **Monumental grave areas**.

In the **Lawn area** the plaque must be either 380mm x 280mm or 380mm x 215mm to fit within their plot boundaries on the beams, not covering the flower holder.

The **Niche wall** plaque must be 235 x 300 to seal the ashes within the niche.

The **Rose garden** plaques are to be on a stand and must be either 132mm x 102mm, 150mm x 117mm or 152mm x 152mm.

Plaques may be made of bronze with a black or brown background or of aluminium.

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 the 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 required height limits for monuments or headstones as per current Australian Cemetery standards.
- May require applications, at applicant cost, to include design and strength specifications and computations from an independent engineer to ensure stability and public safety.
- The Trust does not permit the erection of timber monuments, surrounds 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.

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:

- Weeding in or around a grave (Note: no herbicide is to be sprayed on or around graves by families or ROI holders.
- Cleaning (including polishing) the graves and headstones, including the inscription.

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 for 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 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 will be taken. If the family member or members likely to be responsible for its maintenance are identifiable they will 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 a memorial, the Trust, with consent of the Department, will make the memorial safe by either lying down or removing it. 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 records, the Trust will try to locate them in the phone directory. If this is not possible, the Trust will place an advertisement in the local paper. If they still cannot be located to repair, remove or make safe the memorial, 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 workers
- 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 at the gates of 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 this bin will ensure that these products do not create a safety hazard or detract from the aesthetics of the cemeteries. If the bin is not available, it is requested that rubbish is taken away.

Consultation:

During the development of the Policy, the Policy subcommittee consulted with the Department of Health and Human Services and the Cemeteries and Crematorium Association of Victoria, as well as a desktop scan of other Cemetery Trust Websites. There was no formal community consultation during the development of this policy.

Publicity:

We will publish an article in the Red Gum Courier detailing that we are formalizing the practices which we use at Nathalia Lawn Cemetery.

The Shorter Version of the policy is to be given to Funeral Directors, as a handout to their clients.

The policy will be available on the Nathalia Cemetery Trust website and made available on request.

Other References

Cemeteries and Crematoria Act 2003

Cemeteries and Crematoria Regulations 2015
Australian Standard AS 4204-1994 Headstones and Cemetery Monument.
Nathalia Cemetery Trust minutes May 2022

VERSION CONTROL

No.	Date	Comments	Next Review
1	July 2021	Collette Lees: Plaque Coordinator, Leeanne Caldwell: Secretary, Christine Ryan: Vice Chairperson.	July 2022
	July 2022	Updated Christine Ryan	July 2023
	May 23	Updated Christine Ryan	July 2024