

Purpose: The purpose of this policy is to set out the framework for the establishment and alteration of memorials in the Nathalia Public Cemetery.

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 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 does not need to have the Policy 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 found that it needed to formalize the practices which we use at Nathalia Lawn Cemetery, so that they could be applied universally by all members of Committee after a recent dispute occurred over a memorial.

The **Nathalia Cemetery Trust** (the Trust or NCT) understands, promotes and supports the use of a wide range of memorial items at the Cemetery. The Trust understands 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.

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 and a plan or design of the 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.

Temporary Memorials

Unless written approval has been received, the NCT temporary 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.

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 until such time that the families organize an authorized plaque or monument (if they have taken no action to organize a plaque within six months).

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 has limited space beneath and between the rose plants for ashes interments or memorial plaques. When purchasing in this area, two ashes interments 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.

All Memorials in the rose garden may consist of only the following size Bronze plaques.

(132mm x 102mm, 150mm x 117mm, 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. Approved flower bud vases may be purchased through NCT Plaque coordinator and affixed to LHS side of the Niche wall plaque position.

- 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' as a temporary fixture but not a permanent one.

Plaques

Anyone wishing to install a Bronze or granite plaque must do so in conjunction with NCT Plaque Coordinator. The plaque is subject to Trust approval of material, size, wording and aligned with the standards for a specific area within the cemetery.

Bronze Plaques must be installed by NCT authorised persons, or monumental masons (approved installers), and may be affixed to monuments, headstones, or installed on the beams.

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 fit within their plot boundaries on the beams.

(Plaque sizes: 380mm x 280mm or 380mm x 215mm)

The **niche wall** plaque must be (235 x 300) to seal the ashes within the niche. They are ordered in conjunction with NCT Plaque Coordinator to arrive and be paid for prior to date of interment.

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.

VERSION CONTROL

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