

Process for the establishment or alteration of a memorial

Cemeteries and Crematoria Regulation Unit

Enquiry

Person makes enquiries with a stonemason or cemetery trust to establish or alter a memorial.

Obtain quote and relevant information

Stonemason or cemetery trust provides a quote for memorial and information regarding processes and procedures.

Please note: If a cemetery trust sells or supplies monuments they should refer to Regulation 36 of the Cemeteries and Crematoria Regulations 2015.

If quote accepted

If person accepts quote then an application for permission to establish or alter a memorial must be submitted to the cemetery trust by:

- the stonemason on behalf of the client, or
- the person/holder of the right of interment who is seeking to have the memorial established/altered.

Documentation for application

Note that all applications for permission to establish or alter a memorial must be accompanied by:

- payment of the relevant cemetery trust fee for the type of memorial to be established or altered,
- a plan/design of the proposed memorial, and
- the written consent of the holder of the right of interment to establish or alter the memorial (if applicable).

Sec 98
Act

Consideration of application

A cemetery trust has 45 days from receipt of the application and all relevant information to either approve or refuse the application. Applications may be refused if the proposed memorial is deemed to:

- be unsafe, dangerous or not of a sufficiently permanent nature, or
- be incompatible with the trusts policy regarding the general nature and standard of surrounding memorials or the nature and character of the cemetery (these policies should be documented by the trust and be publicly available), or
- not comply with the prescribed requirements, model rules, or the cemetery trust rules or for any reason the trust sees fit.

Sec 99(4)
Act
Sec 99(1)
Act

Approval/Refusal of application

The trust's approval should include advice to the applicant of any particular terms and conditions of the approval and any inspection fees that will be payable to the trust. The trust may cancel an approval if these terms and conditions are not complied with. The trust should also ensure that any specifications relating to the establishment or alteration of memorials within the cemetery are documented and made publicly available.

If a cemetery trust refuses an application they should provide written notice of this decision to the applicant with supporting reasons.

Sec 99(2)
Act
Sec 99(3)
Act

Construction and inspection of memorial

The cemetery trust or a contractor engaged by the trust may inspect a memorial for compliance with the terms and conditions of the approval. The cemetery trust may require the removal of a memorial where these terms and conditions have not been complied with, or where the memorial has been established or altered without the trust's consent.

Sec 100
Act

Maintenance of memorial

The holder of a right of interment is responsible for maintaining any memorial that has been established on their place of interment in a safe and proper condition. A cemetery trust is empowered to issue directions in relation to the maintenance of memorials. If the trust considers a memorial to be unsafe, and:

- If the holder of the right of interment fails to take the appropriate action requested by the trust, then with the written consent of the Secretary to the department, the trust may repair or take down and remove or dispose of the memorial. Costs and expenses associated with maintenance can be recovered from the holder of the right of interment.
- If the holder of the right of interment is not contactable, the trust may, with the written consent of the Secretary to the department, repair or take down, remove and dispose of the memorial using funds other than trust funds.

Sec
104-106
Act
Sec
108-110
Act

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