

Yan Yean Cemetery Trust

Memorialisation Policy



This Policy covers the requirements within the *Cemeteries & Crematoria Act 2003* (the Act) and the *Cemeteries and Crematoria Regulations 2015* (the Regulations) regarding memorialisation. As well as Yan Yean Cemetery Trust's Health and Safety Handbook¹.

Yan Yean Cemetery Trust (YYCT) (the Trust) understands and supports the diversity of its local community and the desire to commemorate a loved one. YYCT also understands that memorials and memorialisation items must at all times:

- be respectful to the deceased and all visitors
- be respectful of, and acknowledge cultural diversity
- not intrude on other memorials or the quiet reflection of other mourners
- safe for visitors and cemetery staff to conduct their daily tasks
- be durable, with the exception of fresh flowers and temporary structures
- supports the aesthetics, standards, and general nature of the particular area of the cemetery
- not intrusive, confrontational, or offensive to other visitors or mourners
- not detract from the amenity and surroundings of the cemetery

1. Right of Interment

A right of interment relates to a specific place of interment within a public cemetery, for example a plot, grave, vault or cremation niche.

There is a common misconception that the purchaser of a right of interment actually buys the land associated with a cemetery plot, grave, vault or cremation niche when a right of interment is purchased. This assumption is not correct as all public cemeteries in Victoria are situated on Crown Land.

What is actually purchased is the right to determine who can be interred in that grave (or other type of place of interment) and the type of memorialisation (if any) to be established at the place of interment (subject to any cemetery Trust memorialisation policies, procedures, or specifications).

2. The rights and obligations of the holder of the right of interment

The Act gives the holder of the right of interment:

- the right to authorise the interment of human remains in the place of interment
- the right to decide if a monument or memorial may be erected on the site
- the obligation to maintain the monument if any is erected on the site
- the right to object to or endorse an application to exhume remains from the site
- the right to transfer or bequeath the right of interment to another party.

One of the essential obligations of the holder of the right of interment is to promptly advise the Trust of any change to their contact details or of the transfer of the right of interment to another party, so that the Trust can maintain accurate and up-to-date records.

3. Memorials

A holder of the right of interment or an applicant with the holder of right of interments written consent must apply to the Trust for approval to establish or alter a memorial. The application must be accompanied by the corresponding cemetery fee, a plan or design of the proposed memorial, with the dimensions, inscription and any other features included.

The proposed monument or headstone must meet the minimum requirements of the Australian Standards (AS 4204:2019) 'Headstone & Cemetery Monuments' or any updated versions.

Under s.99 of the Act, the Trust may withhold its permission if the intended work is considered to be inappropriate, unsafe, or dangerous. The Trust may seek advice from a consulting engineer concerning structural aspects of the proposed work and if it complies with the Australian Standards. The cost of consulting an engineer will be carried by the applicant, however, the Trust will seek written approval from the applicant before seeking professional advice.

Under s.99 of the Act a cemetery Trust has 45 days from receiving the application and all relevant information to either approve or refuse the application, however we will endeavour to process the application as soon as possible provided that all the required information is supplied.

If the proposed monument is unusual, or there is doubt it will be accepted, it is recommended that the stone mason enquires with the cemetery office before submitting a permit.

Under s.100 of the Act, the Trust may require a person to remove or alter a memorial or place of interment if it was established or altered, without the approval of the cemetery Trust under s.99 or has failed to comply with any terms or conditions to which the approval of the cemetery Trust was subject. If that person fails or refuses to remove or alter the memorial the Trust may remove the memorial and dispose of it as it sees fit. The Trust may recover the costs of taking such action from the person as a debt recoverable in a court of competent jurisdiction.

4. Temporary Memorials

YYCT will allow a temporary wooden grave marker no higher than one metre, subject to the marker being maintained in conditions satisfactory to the Trust. Unless written approval has been received by the Trust, it may remain in place for a maximum of one year following the burial, or until a permanent approved memorial has been installed, whichever comes first.

A memorial or items placed on a place of interment may not extend beyond the boundaries of the memorial or place of interment. The Trust has the authority to remove any items or memorial that extends beyond the boundary of the memorial or place of interment, as well as any dead flowers, any item that is in a poor condition, or any object that is placed on a memorial or place of interment in contravention of the Act, the Regulations, or the Cemetery Rules & Policies.

Seats are not permitted anywhere unless written approval of the Trust has been received.

5. Memorial Items

A person may not without approval of the Trust, place on a memorial or place of interment items such as: glass or ceramic that are fragile or breakable, metal items that are likely to deteriorate or alcohol. It is not

permitted to place an item that is likely to cause a risk to health or safety, or hinders the daily task of staff, on a memorial or place of interment.

All memorial items placed must be respectful of their surroundings and other mourners and do not disturb in anyway the tranquillity the cemetery offers to grieving families while mourning their loved ones.

6. Vegetation

A person must not remove, pick, or damage any plant, flower, shrub, or tree in the cemetery, nor may they plant any type of plant without prior written approval of the Trust, this includes on a memorial, place of interment, pathways, garden beds or any other part of the cemetery grounds.

Other Guidelines

7. Lawns and Cremated Remains Sites

a) Flowers

Fresh or artificial flowers are allowed to be placed in the vase space provided on the beams or the head of the site, provided they do not extend beyond the interment site.

b) Ornaments or other memorialisation items

Ornaments or other memorialisation items are permitted if they do not present a health and safety risk to the public, staff, or contractors, and they do not hinder the maintenance of the area, lawns or encroach on other graves or niches. Any items that represent a safety hazard are not permitted and will be removed (also see item 5 'Memorial Items')

c) Plaques

Plaques can be ordered through the cemetery office; however, they can also be purchased from an external provider, the applicant must submit an application to the Trust, approval will be subject to materials, size, wording and supports the standards for a specific area within the cemetery. They may be installed by cemetery staff or by an authorised person only (approved installers), they can be fixed to the existing lawn beams, cremated remain niches beam or base, monuments, or headstones.

d) Headstones

The lawn headstone areas have pre-established beams for the installation of a headstone and base. The applicant must submit an *Application to Establish or Alter a Memorial or Place of Interment* to the Trust. The headstone must meet the minimum requirements of the Australian Standards (AS 4204:2019) 'Headstone & Cemetery Monuments' or any updated versions, the application must be signed by the holder of the right of interment, all work must be carried out by a registered stone mason. The maximum headstone permitted dimensions are: 1000mm height x 1200mm width and a depth from front to back is up to 380mm, including any fixtures.

Candle Box

YYCT understands that some cultures and religious practices use a temporary structure to light candles at the interment site. The Trust will permit a temporary candle box constructed of non-combustible materials, subject to it being maintained in conditions satisfactory to the Trust, for a reasonable period

until a permanent monument is installed. The temporary box is only allowed prior to the installation of the permanent monument and must be removed when this occurs and should always be contained within the boundaries of the place of interment. No flames should be left unattended during fire danger periods, and no flame should be lit during total fire ban days, all restrictions during the fire danger period must be complied with.

8. Monumental and Vault Sites

The applicant must submit an *Application to Establish or Alter a Memorial or Place of Interment* to the Trust. The headstone must meet the minimum requirements of the Australian Standards (AS 4204:2019) 'Headstone & Cemetery Monuments' or any updated versions, the application must be signed by the holder of the right of interment, all work must be carried out by a registered stone mason. The maximum permitted height is 2200mm, including any fixtures. The size of the plot needs to be verified with cemetery staff prior to submitting the application, as there are some areas that differ in plot size.

a) Vaults

Concrete lined vaults are only pre-installed by the Trust to ensure standards are met as the Trust will be responsible for any structural issues that may arise, Concrete lined vaults are only available in specific selected areas of the cemetery.

b) Materials

Monuments and headstones should be constructed of granite, marble, cast concrete or other durable masonry. Construction in brick, concrete block, plastic, timber, or fibreglass is not permitted. Trim items may be of brass, copper, bronze, aluminium, stainless steel, wrought iron, or other durable metals or acrylic. Mild steel, whether black galvanised or plated are not permitted.

c) Working Hours

Monumental work hours are Monday to Friday between 8.30am and 4pm, monumental work shall not be permitted on weekends or public holidays. The stone mason must call the office the day before to advise their intention to work on site and must also report to the office on arrival each day they are schedule to work and inform the office when the work is completed.

All work will need to cease temporarily if it interferes with a funeral or service.

All masonry work must be carried out by a registered stone mason and follow safe work practices and once a permit has been granted by the Trust, all permits are valid for a period of 12 months, if the work was not commenced within that period, a new application will need to be submitted with the corresponding fee. Any unauthorised monuments, headstones or other structures will be removed at the cost of the holder of the right of interment.

d) Memorial Care

Care and maintenance of the memorial is the responsibility of the holder of the right of interment. If a headstone, monument, or other memorial is found to be dangerous, unsafe, or unstable, immediate action must be taken to make it safe again. The Trust will contact the holder of the right of interment and advise them of the situation.

If the holder of the right of interment refuses to repair, remove, or make safe, the Trust with approval of the Department will make the memorial safe by lying down or removing the unsafe memorial. The Trust

will then request that the costs associated with the remedial action to be reimbursed to the Trust by the holder of the right of interment.

If the holder of the right of interment cannot be contacted after attempts to contact them are made, then the Trust may make the memorial safe and note the costs involve for possible future debt recovery.

9. Damage or Theft

YYC is a public cemetery situated on crown land and is non-for-profit run Trust. Therefore, the Trust is unable to accept any responsibility for the theft or damage to any memorialisation, unless there is evidence that the damage was caused by duties carried out by cemetery staff.

All cemeteries in Victoria are covered under the *Victoria Managed Insurance Authority (VMIA) – Cemetery Trust Monument Damage* and we will assist the holder of the right of interment to process an application.

ⁱ Copy on request, please contact the office.