



# Malmsbury Cemetery Trust

## Memorial guidelines

Memorial guidelines	
<b>Application of guidelines</b>	<p>These guidelines apply to all the following.</p> <ul style="list-style-type: none"><li>• Erecting a monument or an enclosing wall or fence (ie a structure) Note: A gravestone is regarded as a monument. The guidelines apply as indicated below to a temporary memorial.</li><li>• Mementos or other items on a grave</li><li>• Plants on a grave</li></ul>
<b>1</b>	<b>Memorials and other structures</b>
<b>1.1</b>	<p>The permission of the Trust must be asked for and given in writing before any memorial or other structure is constructed or erected</p> <p>Note: This includes a temporary memorial. See model rules,* clause 16.</p>
<b>1.2 Safe structure and installation</b>	<p>The memorial or other structure must not be unsafe or dangerous, either when erected or over time. The requirement for the memorial to be safe applies also to a temporary memorial, but generally the other requirements in this section 1.2 do not.</p> <p>The installation and structure must comply with Australian Standard AS4204-1994, "Headstones and cemetery monuments".</p> <p>Examples:</p> <p>The following materials are not acceptable: glass, metal, loose, friable or other breakable substances.</p> <p>In the ordinary course, the installation must be carried out by a monumental mason acceptable to the Trust.</p> <p>Note: The monumental mason must comply with the Malmsbury Cemetery Trust guidelines, Monumental Masons, and any other guidelines the Trust issues, as well as all legislative requirements. A monumental mason is likely to be acceptable to the Trust if they are registered with a class A cemetery e.g. Bendigo, Geelong, Ballarat.</p> <p>In an exceptional case the Trust may allow someone else to carry out the work, but the person making the request has the onus to demonstrate that the proposed supplier will comply with AS4204-1994 and that the structure and installation will be safe.</p> <p>Note: In that case, the supplier must comply with the Malmsbury Cemetery Trust guidelines, Monumental Masons, and any other guidelines the Trust issues, as well as all legislative requirements.</p>
<b>1.3 Permanent</b>	<p>The structure must be sufficiently permanent in nature.</p> <p>Note: AS4204-1994 says all structural materials are to have high atmospheric-corrosion-resistant properties and minimum predicted service life of fifty years.</p> <p>In the case of the monument itself and any materials incorporated in it, natural stone is preferred</p>

	<p>and some non-ferrous materials may be considered suitable. The monument must not be concrete.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• The following materials are acceptable: granite, marble, most natural stone. Examples of other non-ferrous metals that are likely to be acceptable include aluminium, brass, copper and titanium.</li> <li>• The following materials are not acceptable: comparatively perishable materials like wood, whether “chemically treated” or otherwise, synthetic materials, other materials prone to rot or erosion.</li> </ul> <p>In the case of any borders, natural stone is preferred and some ferrous and non-ferrous materials are considered suitable. However the materials must be treated to the extent necessary to make sure that they will last.</p> <p>The requirements in this section 1.3 do not apply to a temporary monument.</p>
<b>1.4 Boundaries</b>	<p>The structure must be within the boundaries of the gravesite.</p> <p>As well, there must not be any protrusions from the gravesite.</p>
<b>1.5 Compatible</b>	<p>The structure must be compatible with the general nature and standard of surrounding memorials and places of interment</p> <p>The structure must be sufficiently in keeping with the nature and character of the public cemetery.</p>
<b>1.6 Model rules*</b>	<p>The structure must comply with any requirements in the Trust model rules.*</p> <p>Note: At the date of these guidelines the model rules set out requirements about mementos left on graves - see item 2 below - but they do not currently impose additional requirements in relation to structures.</p>
<b>1.7 General discretion</b>	<p>Under legislation, the Trust may refuse to grant a request for any other reason it sees fit.</p>
<b>1.8 Process</b>	<p>The process to apply for permission for a memorial or other structure is set out in the Department of Health “Process for the establishment or alteration of a memorial” attached to these guidelines.</p> <p>The application form is available from the <a href="http://www.malmsburycemetery.com.au">www.malmsburycemetery.com.au</a>. The completed application and fee is to be given to the Malmsbury Cemetery Trust Secretary, c/o Malmsbury Post Office.</p>
<b>1.9 Temporary memorials</b>	<p>The Trust may grant permission for a temporary memorial. The permission applies for 24 months from the date it is granted. If the memorial has not been removed before the end of that time, the Trust may remove it.</p>
<b>2</b>	<b>Mementos and other items, including flower receptacles</b>
<b>2.1 Safe</b>	<p>A person may not place an item on a gravesite that causes a risk to health or safety.</p> <p>To promote safety, mementos and other items, including receptacles for flowers may not be placed if they are ceramic or glass items that are fragile or breakable or metal items that are likely to rust.</p> <p>See model rules,* clause 8.</p> <p>In addition, other loose items that may dangerous if dislodged or moved from the gravesite by others are not permitted eg pebbles or stones.</p> <p>Example: Pebbles or stones may be caught in machinery used in the maintenance of the cemetery and cause injury to the operator.</p> <p>However, if a grave has a defined raised border, such as stone or concrete, scoria, pebbles or granite chips may be allowed as long as they are below the top of the border, so that they can be properly retained.</p>
<b>2.2 Boundaries</b>	<p>A person placing an item on a gravesite must make sure the item does not extend beyond the boundaries of that gravesite.</p>

<b>2.3 Additional restrictions</b>	The Trust does not encourage placing mementos on gravesites. Items that may deteriorate over time are not permitted. Items not in keeping with the values in the Malmsbury Cemetery Trust Mission Statement are not permitted.
<b>2.4 Removal by Trust</b>	The Trust may remove any of the following: <ul style="list-style-type: none"> <li>• Any object that extends beyond the boundary of the gravesite.</li> <li>• Any dead flowers or other item that is in poor condition.</li> <li>• Any object placed in contravention of statutory requirements, the Trust model rules* or these guidelines.</li> </ul>
<b>3</b>	<b>Plants on a gravesite</b>
<b>3.1 Permission</b>	The permission of the Trust must be asked for and given in writing before any plants are grown on a gravesite. See model rules, clause 18. Note: Permission is not required for cut flowers.  The Trust does not encourage growing plants on a gravesite. Maintenance of plants can be problematic, plants may spread outside the gravesite boundaries and roots may create problems over time.  As the maintenance of the site is the responsibility of the holder of the right to burial (see 4 below), the maintenance of plants on the gravesite is also their responsibility. It should be borne in mind that water is not readily available, the plants need to be hardy and drought tolerant and any pruning is the responsibility of the holder of the right to burial.  The Trust may approve plants in limited circumstances where the plants do not present a weed or root hazard or a health and safety risk and are in keeping with the nature and character of the cemetery.
<b>3.2 Removal by Trust</b>	The Trust may remove any plants from a gravesite that have not been approved. The Trust may remove any plants from a gravesite even if they have been approved, if the plant has died, it has not been maintained or it has spread outside the gravesite boundaries or its roots are causing problems, or for any similar reason.
<b>4</b>	<b>Maintenance</b>
<b>4.1</b>	The holder of the right of burial is responsible for the maintenance of the gravesite. This includes all structures on the gravesite.  The legislative obligation includes making sure that it is in a safe and proper condition, including that it is not in a state likely to cause physical danger to any person.

\*At the date of these guidelines, the model rules are set out in Cemeteries and Crematoria Regulations 2005, schedule 6.

## Process for establishing or altering a memorial (flow chart)



### Obtain quote and relevant information

The stonemason/cemetery trust provides a quote for the memorial and information regarding processes and procedures.

*Please note: If a cemetery trust sells or supplies monuments it should refer to r. 26 of the Cemeteries and Crematoria Regulations 2005.*



### If quote accepted

If the person accepts the 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/alterated.



### Documentation for application

Note that all applications 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
- 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 receiving the application and all relevant information to either approve or refuse it. 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 trust's policy regarding the general nature and standard of surrounding memorials or the nature and character of the cemetery (these policy(s) 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 any specifications relating to establishing or altering memorials within the cemetery are documented and made publicly available.

If a cemetery trust refuses an application it 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 a memorial to be removed 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