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| Review of the Cemeteries and Crematoria Regulations 2015 |
| Discussion paper – January 2025 |
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# Background

The Cemeteries and Crematoria Regulations 2015 (the Regulations) are made under section 180 of the *Cemeteries and Crematoria Act 2003* (Act). The Regulations were first made in 2005, reviewed in 2014 and re-made in 2015. In accordance with the *Subordinate Legislation Act 1994*, the current Regulations will expire (or ‘sunset’) on 16 June 2025.

The Department of Health (the department) considers that the Regulations are needed to ensure the Act can continue to operate as intended and that cemeteries and crematoria are appropriately managed. The Regulations are likely to be re-made largely in their current form, with some possible amendments as proposed in this paper. The new Regulations are due to be made by 15 June 2025.

# Cemeteries and Crematoria Regulations 2015

The Regulations are largely administrative in nature and provide for the care, protection, and management of public cemeteries. They prescribe requirements in areas such as depth of burial, mausoleum construction, forms to be used for interments, cremations and exhumations and set out restricted behaviours and activities within public cemeteries. Strategic and policy matters of substance are not dealt with in the Regulations; they are provided for in the Act.

The Regulations can be downloaded from the [Victorian Legislation website](https://www.legislation.vic.gov.au/in-force/statutory-rules/cemeteries-and-crematoria-regulations-2015/003) at <https://www.legislation.vic.gov.au/in-force/statutory-rules/cemeteries-and-crematoria-regulations-2015/003>.

# Review

## Objectives

The objectives of this review are to make Regulations under the Act that:

* provide for the care, protection and management of public cemeteries;
* meet the needs of the cemetery sector and Victorians;
* ensure human remains are treated with dignity and respect; and
* are clear and comprehensive.

## Scope

The review will only consider possible amendments to the Regulations that are within the regulation-making powers under the Act. Section 180 of the Act sets out a range of matters that may be prescribed in the Regulations. For example, regulations may be made for or with respect to:

* the general care, protection and management of public cemeteries and crematoria, including by prescribing model rules
* fees, forms and prescribed information for the purposes of the Act
* the protection of public health and maintenance of public order in public cemeteries and crematoria
* the care, protection and management of public cemeteries and crematoria
* the interment, cremation and disposition of human remains in public cemeteries and crematoria
* the structure, maintenance and management of memorials, places of interment and buildings for ceremonies in public cemeteries
* record-keeping, applications and notices for the purposes of the Act
* the standards, conduct, operation, maintenance and management of crematoria
* prescribed penalties not exceeding 20 penalty units for a contravention of the regulations or model rules
* any other matter or thing that is required or permitted by the Act to be prescribed or that is necessary to be prescribed for carrying out or giving effect to the Act.

Broader reform proposals that would require amendments to the Act are beyond the scope of this review. However, the department is happy to receive all feedback, including on strategic or policy matters, which will be recorded for consideration in any future review of the Act.

## Process

In December 2023, the department conducted a first stage of consultation with the Class A cemetery trusts and the sector peak body, the Cemeteries and Crematoria Association of Victoria. Feedback from this initial engagement, together with the department’s internal review of the Regulations, has assisted to identify potential amendments and improvements to the Regulations presented here for stage two consultation.

As required under the Subordinate Legislation Act*,* a Regulatory Impact Statement (RIS) must be prepared unless the responsible Minister issues an exemption certificate.[[1]](#footnote-2) An initial analysis comparing a base case of no Regulations against the status quo has found that, if the Regulations were remade in largely their current form, the potential burden would fall well below the significant burden threshold. At this stage it is therefore unlikely that a RIS will be required. However, if proposals for more significant reforms arise out of stage 2 consultation, the impacts will be reassessed and a RIS conducted if necessary.

# Areas for potential reform

The following key areas have been identified for further consideration and potential amendment:

* Minor technical and administrative amendments – for example, updating language to be more gender inclusive and updating references to sections of the Act.
* Additional and/or clarified definitions to improve understanding and implementation of the Regulations.
* Mechanisms for cemetery trusts to manage public use and activities within cemeteries – for example, conducted tours and recreational activities.
* Reviewing cemetery trusts’ powers to manage mementos placed on or around interment sites that do not comply with the Regulations and/or trust policies.
* Amendments to the forms prescribed in Schedule 1 of the Regulations to enhance useability and improve consistency with the *Privacy and Data Protection Act 2014*.

A more detailed explanation of the potential amendments is provided in the following tables, including an explanation of why the changes are being proposed. The tables only include proposals that require further consultation before policy decisions are finalised. In addition to these, a number of minor or technical changes are being considered to improve clarity and consistency. These are not set out in this document as they have no substantive impact on any requirements in those regulations or on their implementation and enforcement.

# How to make a submission

Feedback is invited on the possible amendments set out in Table 1. The blank column on the right-hand side of the table can be used to provide comments, concerns or suggestions about the proposed changes. You do not have to provide comments against every regulation, form or Model Rule.

In your submission you may also raise any issues regarding the Regulations that you believe have not been addressed. These could include:

* matters not currently included in the Regulations that you believe should be addressed (noting that regulations can only be drafted where there is an appropriate head of power in the Act)
* clarification of existing provisions or improvements to better reflect the needs of stakeholders
* matters that are currently addressed in the Regulations that you believe should not be included.

Submissions may be sent by email or post:

**Email to:** Legislation and Regulation Reform [Legislation and Regulation Reform](mailto:Legislation%20and%20Regulation%20Reform%20(HEALTH)%20%3clegandregreform@health.vic.gov.au%3e) legandregreform@health.vic.gov.au>

**Post to:** Regulatory Reform and Policy,  
 People, Operations, Legal and Regulation Division  
 Department of Health  
 50 Lonsdale Street, Melbourne, VIC 3000

Submissions are due by **12 February 2025.**

You may choose to share personal or professional experience or knowledge, as well as qualitative and quantitative data. We ask you not to provide any identifying, or potentially identifying, information about individual people.

Please read the Privacy Collection Notice below before completing a submission.

# Privacy Collection Notice

The department is committed to protecting your personal information and privacy, and any information you provide is collected and handled in accordance with the *Privacy and Data Protection Act 2014*.

The information in your submission is collected by the department to administer the public consultation process for the review of the Cemeteries and Crematoria Regulations 2015 and to inform the development of the new Regulations.

You can choose to make an anonymous submission. However, you will need to provide your contact details if you would like the department to advise you of the outcome of the consultation.

For more information on the department’s privacy collection practices, please refer to the department’s [Privacy policy](https://www.health.vic.gov.au/department-of-health-privacy-policy) <https://www.health.vic.gov.au/department-of-health-privacy-policy>.

You may contact the Legislative and Regulatory Reform team supervising the consultation by emailing [Legislation and Regulation Reform](mailto:Legislation%20and%20Regulation%20Reform%20(HEALTH)%20%3clegandregreform@health.vic.gov.au%3e) <legandregreform@health.vic.gov.au>.

You may contact the department’s Privacy team by emailing [Privacy team](mailto:privacy@health.vic.gov.au) <privacy@health.vic.gov.au>.

You/your organisation can request access and changes to information that you provide to the department using the email contacts above.

# Possible amendments

The following table includes suggestions made by stakeholders in stage one consultation, along with some possible amendments proposed by the department. Please add your feedback into the space provided.

## Regulations

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| **General comments about the Regulations** |
| * Are the Regulations fit for purpose? * Do you have any general suggestions to improve the Regulations? |
| **Specific comments about the Regulations** |

| Reg number | Current regulation / wording | Potential changes / wording | Explanation of potential changes / questions for stakeholders | Stakeholder comments and feedback |
| --- | --- | --- | --- | --- |
| 5 | **Definitions**  Funeral director means—   1. a person who carries on the business of arranging for the disposal of human remains; 2. an employee, sub-contractor or agent of a person referred to in paragraph (a) acting in the course of that employment, contract or agency; | There has been a stakeholder suggestion to broaden the current definition to capture other persons assisting with the disposal of the deceased.  \*The term *funeral director* is only used in Forms 1, 2, 3, 3A, 3B and 5, which are for the purposes of making applications for interments, cremations and exhumations. The information collected is to identify the person making arrangements for interments and cremations or assisting at exhumations. In each case the form provides for the applicant to list the ‘funeral director or other person …” | Feedback was received that it is now common for other persons such as death doulas or celebrants to assist with arrangements to inter or cremate.  Is the term *funeral director[[2]](#footnote-3)* unintentionally exclusive of other practices that involve another person assisting with interment or cremation or related memorial activities?  Noting that the term *funeral director* is only used in the forms, which already extend to other persons assisting or making arrangements for interment or cremation, how would a change in definition improve the forms or expedite the application processes, or otherwise improve access to and inclusivity of the relevant services and activities? |  |
| 5 | **Definitions** | There has been a stakeholder suggestion to include a definition of *funeral.*  \**Funeral* is not currently defined but is used in the following regulations:  37 – prohibits a person from arranging or conducting a funeral in a public cemetery without prior approval of the cemetery trust.  48 – prohibits a person from driving, riding or otherwise using a vehicle so as to impede cemetery trust operations or a funeral.  Model rule 6 – allows a cemetery trust to give directions to a person about how a funeral or funeral procession is conducted, and requires the person to comply with the direction.  Model rule 15 – requires a person to keep a dog or other animal under immediate control when bringing it into a cemetery, including for attending a funeral. | Feedback was received that the term *funeral* should be defined using language that is inclusive and suitable for describing services conducted within cemeteries for the disposition of human remains irrespective of cultural backgrounds, beliefs and practices.  Is the term *funeral* unintentionally exclusive of other cultural backgrounds, beliefs and practices?  What terminology would be more inclusive – for example, *funeral or other memorial practice*, *disposition, interment, committal, memorial or commemorative service?* |  |
| 5 | **Definitions** | There has been a stakeholder suggestion to include a definition of *sealed cap.*  \**Sealed cap* is not currently defined but regulations 24 and 25 refer to:  *a substantial layer of stone, concrete or similar material* *placed or poured over the coffin, container, receptacle or those human remains as soon as practicable after the interment.* | Feedback was received that it is unclear whether *a substantial layer of stone* refers to a singular stone or could also include crushed rock or other materials.  In Victorian cemeteries, is crushed rock commonly used for sealing purposes or is solid material preferred?  In ordinary industry or public usage, would the current wording *or similar material* be understood to include crushed rock?  Does any clearer distinction need to be made in the Regulations? |  |
| 6, 8, 8A and 10 | **Cemetery trust records**  **Prescribed information for–**  6 - interment of bodily remains  8 - interment of cremated human remains  8A - interment or disposal of cremated human remains of unknown name or with an identifier  10 - cremation of bodily remains | The department is considering removing requirements for cemetery trust records to include certain personal information – for example, in regulations 6, 8 and 10 the last permanent address of the deceased, or in regulation 8A the last permanent address of the source of the cremated human remains.  \*Note that the information prescribed for cemetery trust records is designed to meet various requirements under the Act including:  Section 2A(c) – that cemetery trusts operate effectively and efficiently.  Section 59 – that cemetery trusts keep records in respect of interments, places of interment, cremations and rights of interment.  Section 60 – that the information in the records be available for inspection by any person at any reasonable time for historical or research purposes.  Section 61 – that these records are evidence in any proceedings of the interments, places of interment, cremations or rights of interment appearing in that record.  Please see [**Schedule 1 - Forms**](#_Schedule_1_-)in the table below for similar discussion about the collection of personal information in those forms. | Some information collected regarding a deceased person may also be personal information under the *Privacy and Data Protection Act 2014* in respect of other persons (for example, family members of the deceased).  When collecting information, organisations should first consider what information is necessary to carry out a particular function or activity.  The best privacy safeguard is to not collect unnecessary personal information. The department is considering removing requirements to record the last permanent address of the deceased to mitigate the privacy risk of managing and disclosing personal information that may relate to a living person.  Do you have any comments about removing/retaining information about the last permanent address of the deceased in a cemetery trust’s records?  Can you provide more details about why this information is necessary, including in relation to requirements under sections 2A(c), 59, 60 and 61 of the Act?  Are there any differences in how ‘last permanent address’ is used in relation to regulations 6, 8 and 10?  Regulation 8A(b) requires the last permanent address of the source of the cremated remains, and 8A(d) requires the name and address of the person and of the organisation (if any) making the application for cremation of the human remains. Are these requirements duplicative? Would any important information be lost if the 8A(b) requirement was removed? |  |
| 12-15 | **Cemetery trust records**  **Prescribed information for–**  12 -Right of interment  13 -Right of interment transferred  14 - Right of interment surrendered  15 - Right of interment cancelled | Suggestions include:   * Adding a new regulation(s) to prescribe information to be recorded in relation to a right of interment subject to variation or forced surrender under sections 84A-84K of the Act. * Amending regulation 14 to clarify instances where an ROI is jointly held. | The department seeks feedback on whether current record-keeping requirements could be improved to accommodate the variation or forced surrender of an ROI at the direction of the Secretary in circumstances defined in sections 84A-84K of the Act.[[3]](#footnote-4)  What additional information should be recorded in relation to variations or forced surrenders of ROIs? For example, under section 84E, the Secretary may impose conditions on the ROI with respect to interments, memorials, removal of cremated remains or body parts, exhumations or the transfer of ROI to another person. Should details of these conditions form part of the cemetery trust’s records?  Section 84 of the Act allows for surrender of an ROI with more than one holder. Regulation 14 prescribed the information that must be recorded when an ROI is surrendered but does not distinguish between solely or jointly held ROIs. Should regulation 14 be clarified to account for both scenarios? What additional information would be useful to record? |  |
| 21 | **Application for interment or cremation of body parts**   1. For the purposes of section 151(2) of the Act, a prescribed person within the meaning of section 151(3) of the Act must supply the following prescribed information in relation to body parts which are not foetal remains— 2. if known, the full name of the person or persons to whom the body parts belong; 3. if known, the type of body part to be interred or cremated; 4. the name of the person and the name of the organisation (if any) making the application for cremation or interment of the body parts; 5. the category of prescribed person to which the person making the application belongs. 6. For the purposes of section 151(2) of the Act, a prescribed person within the meaning of section 151(3) of the Act must supply the following prescribed information in relation to body parts which are foetal remains[[4]](#footnote-5) that are not a still-born child— 7. the name of the person and of the organisation (if any) making the application for interment or cremation of the remains; 8. the category of prescribed person to which the person making the application belongs. | Suggestions include:   * Creating a new form, or incorporating into an existing form, an application to inter or cremate body parts that are not foetal remains. * Creating a new form for making an application to inter or cremate foetal remains. * Amending the current requirements in relation to a *prescribed person* who provides *prescribed information* in an application to inter or cremate foetal remains.   \*Note that this regulation typically applies to situations involving the disposal of body parts, including historic remains, from schools of anatomy.  The department is considering options to prescribe different requirements for applications to inter or cremate *foetal remains.* This would distinguish them from *body parts* generally (noting that *foetal remains* are included in the definition of *body parts* in the Act) and recognise that foetal remains may be historic remains of unknown source, but may also be contemporary and of known origin. | Under section 151(2) of the Act, a person may apply for interment or cremation of body parts (which include foetal remains) in a public cemetery.[[5]](#footnote-6) These applications must contain *prescribed information* from a *prescribed person*.  Under section 151(3) a *prescribed person* includes a registered medical practitioner, coroner and any other persons/class of persons.[[6]](#footnote-7)  Under regulation 21B, additional prescribed persons include an inspector of a school of anatomy, a designated officer of a school or anatomy, and the Secretary.  The *prescribed information* is currently set out in regulation 21(1) for body parts that are not foetal remains, and in regulation 21(2) for foetal remains.  If a person chooses to apply to inter or cremate body parts (including foetal remains) in a public cemetery, there is no form currently prescribed. Introduction of a form or forms may make the application process more streamlined and consistent.  Do you have any comments about whether an application form would be useful for *body parts that are not foetal remains*? If responding on behalf of a cemetery trust, how often do you receive these requests?  Do you have any comments about whether an application form would be useful for *foetal remains*? If responding on behalf of a cemetery trust, how often do you receive these requests? Who do these requests come from?  The department is also considering whether there is a need for a registered medical practitioner or coroner to provide the prescribed information in a situation where parents of the foetal remains want them to be interred or cremated as is currently required. This may be beneficial, or practicable, where a medical practitioner is in possession of the relevant information. Noting that these circumstances are likely to be upsetting, the department seeks to reduce the number of parties involved where possible, simplify the process and minimise distress.  Do you have any comments on changing the regulations to allow parents of foetal remains to make an application for their interment or cremation without any requirement for a registered medical practitioner or coroner to provide information or lodge the application? |  |
| 23 | **Requirements for the enclosure of bodily remains or body parts**  A person must not bring bodily remains or body parts to be interred into a public cemetery, or convey those bodily remains or body parts within a public cemetery, unless the bodily remains or body parts are enclosed in a coffin, container or receptacle—   1. that is clean and hygienic; and 2. that is constructed of wood, metal or other substantial material; and 3. from which neither offensive or noxious emissions nor matter from those bodily remains or body parts will escape. | Add a requirement for a nameplate on the coffin, container or receptacle.  \*Note – a similar suggestion to require a nameplate was made for regulation 26 in relation to the enclosure of bodily remains and body parts to be cremated. | Feedback was received that a nameplate on the receptacle would assist with identification of the deceased.  The department understands that a nameplate may aid identification when remains are exhumed.  However, given the limited number of exhumations in Victoria (approximately 50 per year), the mandatory inclusion of a nameplate may impose unreasonable additional costs on the sector and/or members of the public.  As an alternative to prescribing nameplates in the Regulations, trusts may include a mandatory requirement for nameplates under their own rules for the disposition of human remains, as permitted under section 26(2)(a) of the Act.[[7]](#footnote-8)  Are you aware of any situations where a nameplate would have assisted with identification in either a burial (regulation 23) or a cremation (regulation 26)?  Can you provide an estimate of any additional costs that would be incurred if nameplates were mandated through the Regulations?  Who would be subject to these costs – trusts, funeral directors, members of the public? |  |
| 23 | As above | Add a requirement for shrouded bodies to be placed on a flat, solid base board when being carried to a grave and lowered. | Feedback was received that shroud burials without a coffin are increasingly common, and that use of a flat, solid board should be prescribed.  The department notes that the current Regulations are designed to focus on the functionality of a coffin, container or receptacle (which could include a shroud) while allowing flexibility to satisfy a range of cultural and religious requirements, and so as not to preclude the use of new materials or technology that may be introduced in the future.  What information can you provide about standard practices for handling shrouded bodies for both interment and cremation?  Is an additional receptacle used for transportation?  What, if any, risks and issues would be addressed by prescribing a base board?  Would any additional costs be incurred, and by whom? |  |
| 24 | **Depth of burial requirements**   1. Subject to subregulations (2) and (3), if human remains other than cremated human remains are interred in a place of interment in a public cemetery, the cemetery trust responsible for that cemetery must ensure that— 2. if the ground above the place of interment is to be sealed with a substantial layer of stone, concrete or similar material—    1. that layer is placed or poured over the coffin, container, receptacle, or those remains as soon as practicable after the interment; and    2. there is at least 500 millimetres of earth between that layer of stone, concrete or similar material and the normal level of the ground; or 3. if the ground above the place of interment is unsealed, there is at least 750 millimetres of earth between the coffin, container, receptacle or those remains and the normal level of the ground. | See regulation 5 above regarding the possible definition of *sealed cap.* The potential new definition could be used throughout regulation 24.  Other suggestions include:   * reducing the depth from 750 millimetres to 600 or 500 millimetres for unsealed sites * reducing the depth from 500 millimetres to 300 millimetres where a concrete cap is used. | Feedback was received that substituting *sealed cap* for *substantial layer of stone, concrete or similar material* would simplify this regulation.  As discussed above in relation to a proposed definition of *sealed cap* in regulation 5, do you think the definition should specify that crushed rock is a suitable material for sealing purposes?  Do you have any comments about suggestions to change the depth of burial requirements?  What depths would you suggest? Why?  Do you have any examples where the current depth requirements have been problematic?  What are the risks of reducing the depth requirements? |  |
| 25 | **Requirements for interment in concrete-lined graves**  If human remains other than cremated human remains are interred in a place of interment in a public cemetery that is a concrete-lined grave, the cemetery trust responsible for that cemetery must ensure that the place of interment is sealed by a substantial layer of stone, concrete or similar material placed or poured over the coffin, container, receptacle or those human remains as soon as practicable after the interment. | See regulation 5 above regarding the possible definition of *sealed cap.* The potential new definition could be used throughout regulation 24. | As discussed above in relation to regulation 24, do you support an amendment to use *sealed cap* in this regulation?  Feedback was also received that the regulations should be amended to clarify that interment in a vault does not need to comply with depth of burial requirements.  The department notes that regulation 24 does not apply in respect of concrete-lined graves. See regulation 24(4), which states:  This regulation does not apply to the interment of human remains—   1. in a concrete-lined grave; or 2. in a mausoleum or other above ground interment structure.   The policy intent of regulation 24(4) is to exclude vaults from the depth of burial requirement.[[8]](#footnote-9)  Is any further clarification needed in regulation 24 or 25 to exclude vaults from the depth requirement? |  |
| 36 | **Information to purchasers of monuments**   1. If a cemetery trust sells or supplies monuments, the cemetery trust, when promoting that activity, whether orally, by way of printed advertising or promotional material, must provide information that complies with subregulation (2) that alternative vendors or suppliers of monuments exist. 2. The information provided under subregulation (1) must include a statement that contact details for alternative vendors or suppliers may be found in the telephone directory and on the Internet. | Add *digital promotion* as a means of providing information about alternative vendors and suppliers in 36(1).  Remove reference to *telephone directories* in 36(2). | The suggested addition of *digital promotion* reflects the increasing use of digital marketing channels.  The deletion of *telephone directories* is suggested in recognition that vendors and suppliers increasingly use digital marketing services and directories. However, the department is keen to learn more about the availability and use of telephone directories within the sector before any decision is made to change this provision.  What forms of marketing or promotion are currently used by trusts and other memorial suppliers?  How do you think this regulation could be amended to include other forms of promotion – for example, websites, social media?  Are telephone directories readily available and used by the sector? |  |
| 37 | **Funerals**  A person must not arrange or conduct a funeral in a public cemetery without the prior approval of the cemetery trust responsible for that cemetery. | Replace the term *funeral* with something broader to reflect other cultural practices.  \*See suggestion in regulation 5 above to add a definition of *funeral*. | Feedback was received that the term *funeral* should be broadly defined or replaced with a term(s) that is inclusive for all Victorians regardless of culture, beliefs and practices.  If such a change were made, what terminology would be more inclusive – for example, *funeral or other memorial practice*, *disposition, interment, committal, memorial or commemorative service?*  In your experience are these terms used consistently in the sector and community (that is, are they commonly understood)?  Are you aware of instances where a funeral (however described) is conducted at a cemetery without an interment or cremation occurring?  Is there a risk in being too specific when referring specifically to additional cultural or religious practices in the regulations? |  |
| 38 | **Offence to cause disturbance**  A person in a public cemetery must not act in a way that causes unreasonable disturbance to any other person.  Penalty: 10 penalty units. | There has been a stakeholder suggestion to amend regulation to read:  A person in a public cemetery must not act in a way that ***is likely*** ***to cause*** or causes unreasonable disturbance to any other person. | Feedback suggests it would be useful if regulation 38 also prevented behaviour *likely* to cause disturbance so that trusts do not have to wait until after a disturbance has occurred to address potential behaviour / activities that are problematic.  The department notes that public cemeteries are located on Crown land reserved for public cemetery and crematoria purposes, so any use of the land needs to be consistent with that reservation.  The objects of the Act under section 2A are to ensure that—   1. human remains are treated with dignity and respect; 2. all Victorians have access to cemetery and crematoria services; 3. cemetery trusts operate effectively and efficiently in accordance with this Act.   Individual conduct and group activities in cemeteries should not conflict with the objects of the Act, or the purpose of the reservation, or impinge on other people’s rights.  The department notes that the term ‘likely to cause unreasonable disturbance’ could be subjective and might make the provision difficult for trusts to administer.  Can you give examples of behaviour in cemeteries that is *likely to cause* unreasonable disturbance to others? How often does this behaviour cause actual disturbance to others?  How often do trusts have to rely on this provision to address disturbance within the cemetery?  Would these issues have been addressed if the regulation encompassed the *potential* to cause disturbance – e.g. was the issue something that was identified as being problematic before it occurred? |  |
| 40 | **Offence to play sport in a public cemetery**  A person must not engage in any sport or play any game involving physical activity in a public cemetery without the prior written approval of the cemetery trust.  Penalty: 10 penalty units. | Options for consideration:   * Remove regulation * Consolidate into a general offence (e.g. regulation 38 or 39) with examples of behavioural offences in the regulation or the Model Rules[[9]](#footnote-10) to prohibit specific sports activities like soccer or cricket. If added to the Model Rules, they would apply to all cemeteries unless a cemetery trust makes its own cemetery trust rules that do not prohibit those activities. * Add a new regulation to prohibit conducted/guided tours without prior written approval of the cemetery trust. | Feedback has queried whether activities like walking groups, bike riding or children playing are captured by this regulation.  Some cemeteries have grassed areas and support their use for picnics and recreation as a way for visitors to feel close to their loved ones.  Feedback has also suggested that guided tours (as distinct from recreational walking groups) can impede operations within the cemetery.  The department notes that the policy intent of the regulation is to prevent sporting activities that are potentially disruptive, could harm other people or cause damage to vegetation or property within the cemetery.  What types of sport and physical activity are common within a public cemetery?  In your view, what types of sport and physical activity are acceptable within a public cemetery?  In your view, what types of sport and physical activity are not acceptable? How often do they occur?  Should conducted tours (free or commercial) be restricted through a new regulation or the Model Rules? How would these differ from recreational walking groups? |  |
| 41-43 | **41 - Offence to fish or bathe in a public cemetery**  **42 - Offence to hunt in a public cemetery**  **43 - Offence to camp in a public cemetery** | Suggestions include:   * Broadening regulation 41 to include other water animals such as yabbies. * Alternatively, removing or consolidating regulations 41-43 into a general offence (e.g. regulation 38 or 39) with examples of behavioural offences in the regulation or the Model Rules to prohibit specific activities like fishing, bathing, hunting and camping. These would apply to all cemeteries unless a cemetery trust makes its own cemetery trust rules that do not prohibit those activities. | Feedback was received that if fishing is restricted, the regulation should be extended to other water animals such as yabbies.  Other feedback has been provided that fishing in a dam within the cemetery property is common and should not be prohibited as it does not cause a disturbance.  Which activities (fishing, bathing, hunting, camping) occur in cemeteries? How often?  In your view, which of these activities are acceptable and why?  In your view, which of these activities are problematic and why?  In your view, which of these activities should be prohibited in all cemeteries?  Do you have examples of other activities that have occurred in cemeteries that you consider are problematic? How often do those occur? What are the impacts? Should these activities be prohibited? |  |
| 44 | **44 Offence to remove items from a place of interment or memorial in a public cemetery**   1. A person, other than a person specified in subregulation (2), must not, without reasonable excuse, remove any object or thing from a place of interment or memorial in a public cemetery.   Penalty: 10 penalty units.   1. For the purposes of subregulation (1) a person specified includes— 2. the cemetery trust when carrying out its functions; or 3. an employee, agent, or contractor of the cemetery trust acting in the course of that employment, agency, or contract; or 4. a volunteer or any other person authorised by the cemetery trust when carrying out a function in the public cemetery authorised by the cemetery trust. | Amend regulation so that if a specified person needs to remove items from a place of interment, the Right of Interment (ROI) holders are informed.  \*Model Rule 11 gives cemetery trusts the power to remove objects in certain circumstances.  This is discussed further in [Schedule 2 – Model Rules](#_Schedule_2_–).  \*Model Rules 8-10 set out requirements for memorials and places of interment to minimise risk of harm (for example, from glass or metal) and to ensure items remain within the boundaries of the memorial or place of interment.  These are discussed in more detail below in [Schedule 2 – Model Rules](#_Schedule_2_–). | Feedback was received that trusts should follow defined procedures for removing, storing and disposing of personal mementos from interment sites and that ROI holders must be notified as part of this process.  Do you have any examples or comments about the removal of items from interment sites?  What processes should be followed by the cemetery trusts?  What would be the impacts for cemetery trusts if they are required to store removed items – for example, costs to provide storage facilities if none currently exist? |  |
| 45 | **Offence to damage plants in a public cemetery**  A person, other than a person specified in subregulation (2), must not remove, pick or damage any plant, flower, shrub or tree in a public cemetery without the prior written approval of the cemetery trust.  Penalty: 10 penalty units. | There has been a stakeholder suggestion to introduce specific restrictions on placing decorations on trees. | Feedback was received that there should be restrictions on decorating plants and trees within cemeteries because those items can obstruct the maintenance of the area and pose safety risks.  Can you give examples about the extent of these issues and how they affect trust operations?  Are the current Regulations and Model Rules[[10]](#footnote-11) insufficient for trusts to address these issues? |  |
| 47 | **Ceremonial use of fire in a public cemetery**   1. A person, other than a person specified in subregulation (2), must not light a fire in a public cemetery. Penalty: 10 penalty units. 2. For the purposes of subregulation (1) a person specified includes— 3. the cemetery trust when carrying out its functions; or 4. an employee, agent, or contractor of the cemetery trust acting in the course of that employment, agency, or contract; or 5. a volunteer or any other person authorised by the cemetery trust when carrying out a function in the public cemetery authorised by the cemetery trust; or 6. a person using candles, lanterns, incense, joss sticks or similar items in association with ceremonies for the interment, cremation or commemoration of the dead. 7. A person who uses candles, lanterns, incense, joss sticks or other similar items in association with ceremonies for the interment, cremation or commemoration of the dead must not, without the prior approval of the cemetery trust, leave those items alight when those items are unattended.   Penalty: 10 penalty units. | Suggested amendments:   * Add a reference to *smoking ceremonies.* * Add a requirement that the trust must be notified and give permission for the use of items listed in 47(2)(d) and 47(3). * No fire or naked flame whatsoever should be permitted on days of Total Fire Ban or Declared Catastrophic Fire Danger days. | Feedback was received that *smoking ceremonies* should be listed in recognition of Aboriginal peoples’ traditional and cultural practices.  Are there any other practices that may not be adequately covered by this regulation?  Do you have examples of issues with the use of any of the items listed in this regulation – candles, lanterns, incense, joss sticks or similar? |  |
| 48 | **Use of vehicles in a public cemetery**   1. A person in a public cemetery must not drive, ride or otherwise use a vehicle so as to impede— 2. the operations or work of the cemetery trust responsible for that cemetery; or 3. a funeral.   Penalty: 10 penalty units.   1. A person in a public cemetery must not drive, ride or otherwise use a vehicle on any surface other than a road, track or parking area, without the prior approval of the cemetery trust responsible for that cemetery.   Penalty: 10 penalty units | Amend regulation/definition of *vehicle[[11]](#footnote-12)* to ensure wheelchairs and other mobility aids are not included within scope. | The review is considering inclusivity in the language used throughout the Regulations.  The definition of *vehicle* may inadvertently capture wheelchairs or mobility aids.  This regulation is not intended to prevent people who use wheelchairs or mobility aids from accessing cemeteries or require them to seek prior approval from the cemetery trust.  To the department’s knowledge, this regulation is functioning as intended.  Do you have any examples where this has been an issue? |  |

## Schedule 1 – Forms

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| **General** **feedback about the forms** |
| * Are the forms fit for purpose? * How could the forms be improved? |
| **General** **feedback about the forms** |

| Form # | Current regulation / wording | Potential changes / wording | Explanation of potential changes / questions for stakeholders | Stakeholder comments and feedback |
| --- | --- | --- | --- | --- |
| 1 | **Application for interment authorisation** | Remove:   * Sex (not relevant) * Age (not needed as age can be calculated from the date of birth and date of death which will be retained on the form) * Last known permanent address (personal information that may relate to a living person) * Religion (potential for discrimination) * Did the deceased have a spouse or domestic partner at the time of their death (potential for discrimination)   Amend interment details sections:   * Relocate and rename *Details of interment* and *Matters relating to interment* sections so they are situated next to each other. * For clarity, rephrase the questions relating to additional interments. * Change*Matters relating to interment*to*Funeral service[[12]](#footnote-13) arrangements* * Change *Service type* options to:   + Will a funeral service be held at the cemetery? \*Yes \*No   + If yes, funeral service location: \*Cemetery venue \*Place of interment \*Both   + If yes, funeral service date and time:   + Special requirements:   + If there is no funeral service, interment date and time:   + If there is no funeral service, will anyone other than the person arranging interment attend the interment? \*Yes \*No * Remove the question:   + Details of the type of place of interment: \*new \*pre-purchases/pre-need \*reopen | **Privacy**  See comments for regulations 6, 8 and 10 above regarding privacy*.*  To meet privacy obligations and to reduce the potential for discrimination, the department is considering removing some items from Form 1.  Feedback was received that some of the information should be retained for identification purposes, historical or research purposes, or for operational efficiency – for example, staffing, traffic and parking management, or specific religious requirements.  Do you have any comments about removing/retaining any of the information suggested for removal? Can you give examples where this information was needed?  How do you manage the information collected in Form 1:   * Are hard copies of the form stored or disposed of? * Are digital copies made and retained? * Is content from the form used to create the cemetery trust records required under regulations 6-10?   **Interment details**  Feedback was received that, for operational reasons, it assists cemetery trusts to know whether an interment site has/will have multiple occupants (i.e. to ensure the depth requirements in regulation 24 can be complied with). For maintaining a safe environment within the cemetery grounds, it is also necessary for trusts to know where people will be gathering for a funeral service or burial (i.e. in a venue within the grounds or at the interment site).  The department is considering the potential changes to streamline the collection of this information.  Are the suggested changes fit for purpose? How is this information useful for trusts in planning and conducting funeral services and interments? Should any other options or questions be added?  Do you have any comments about removing the ‘new, pre-purchase/pre-need and reopen’ options? It is assumed that cemetery trusts have other processes for collecting this information when planning interments.  Do you have any additional suggestions for changes to the layout or content of the form? How would these changes be useful? |  |
| 2 | **Application for interment approval for interment other than in a public cemetery**  \*This form is completed by members of the public and submitted directly to the Secretary. It is not completed by, or submitted to, public cemetery trusts or funeral directors. | Remove:   * Title (not relevant) * Sex (not relevant) * Last known permanent address (personal information that may relate to a living person)   Add:   * Proposed date of interment (for administrative purposes) * Options for either landowner, delegate or land manager to sign the consent section of page 2.   Move applicant’s signature to after *Warning* but before the *Declaration*. | See comments for regulations 6, 8 and 10 above regarding privacy*.*  To meet privacy obligations and to reduce the potential for discrimination, the department is considering removing some items from Form 2.  Do you have any comments about removing/retaining any of the information proposed for removal? Can you give examples where this information was needed?  Do you have any comments about the other proposed changes?  Do you have any additional suggestions for changes to the layout or content of the form? How would these changes be useful? |  |
| 3 | **Application for cremation authorisation for deceased persons of known identity** | Change form name to *Application for cremation authorisation of bodily remains of known identity* (for language consistency)  Remove:   * Sex (not relevant) * Age (not needed as age can be calculated from the date of birth and date of death which will be retained on the form) * Last known permanent address (personal information that may relate to a living person) * Religion (potential for discrimination) * Did the deceased have a spouse or domestic partner at the time of the deceased's death (potential for discrimination)   Change *service type* options to:   * Funeral service at cemetery venue * Cremation viewing (if offered by cemetery trust) * No attendance | **Privacy**  See comments for regulations 6, 8 and 10 above regarding privacy*.*  To meet privacy obligations and to reduce the potential for discrimination, the department is considering removing some items from Form 3.  Do you have any comments about removing/retaining any of the information proposed for removal? Can you give examples where this information was needed?  How do you manage the information collected in Form 3:   * Are hard copies of the form stored or disposed of? * Are digital copies made and retained? * Is content from the form used to create the cemetery trust records required under regulations 6-10?   **Service type**  Do the proposed options for service type accurately reflect common practices? How is this information useful for trusts in planning and conducting cremations?  Should any other options be added?  Do you have any additional suggestions for changes to the layout or content of the form? How would these changes be useful? |  |
| 3A | **Application for cremation authorisation of bodily remains of unknown name or with an identifier** | Change form name to *Application for cremation authorisation of bodily remains of unknown name* ***and*** *with an identifier.*  Remove address and contact details for crematorium (name of crematorium is sufficient).  Details included under name and address of source of bodily remains should reflect this is likely an organisation / institution[[13]](#footnote-14) and not an individual. | Do you use this form? How often?  Do you have any additional suggestions for changes to the layout or content of the form? How would these changes be useful? |  |
| 3B | **Application for cremation authorisation of body parts of unknown name with an identifier** | Remove address and contact details for crematorium (name of crematorium is sufficient).  Add:  **WARNING**  Under section 132 of the **Cemeteries and Crematoria Act 2003** it is an offence to make a false statement in an application for a cremation authorisation, punishable by a fine of up to 600 penalty units or 5 years imprisonment or both. | Do you use this form? How often?  Do you have any additional suggestions for changes to the layout or content of the form? How would these changes be useful? |  |
| 4 | **Certificate of registered medical practitioner authorising cremation** | Remove:   * Sex (not relevant) * Place of death (not relevant and not recorded for interments) | See comments for regulations 6, 8 and 10 above regarding privacy*.*  To meet privacy obligations and to reduce the potential for discrimination, the department is considering removing someitems from Form 4.  Do you have any comments about removing/retaining any of the information proposed for removal? Can you give examples where this information was needed?  How do you manage the information collected in Form 4:   * Are hard copies of the form stored or disposed of? * Are digital copies made and retained? * Is content from the form used to create the cemetery trust records required under regulations 6-10?   Do you have any suggestions for other changes to the layout or content of the form? How would these changes be useful? |  |
| 5 | **Application to Secretary for exhumation licence** | Remove/replace:   * Title (not relevant) * Remove sex (not relevant) * Update nearest surviving relative hierarchy with gender neutral language   Add:   * Under Part A add *Relationship to the deceased* (for admin purposes) * Under Part B add *Reason for exhumation* (for admin purposes) | See comments for regulations 6, 8 and 10 above regarding privacy*.*  To meet privacy obligations and to reduce the potential for discrimination, the department is considering removing or changing items in Form 5.  The department is also considering adding two new data fields for administrative purposes.  Do you have any comments about any of the proposed changes?  Do you have any suggestions for other changes to the layout or content of the form? How would these changes be useful? |  |

## Schedule 2 – Model Rules

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| **General feedback about the Model Rules** |
| * How do you use the Model Rules? * Are they fit for purpose? * Have you considered developing your own Cemetery Trust Rules? |
| **Specific feedback about the Model Rules** |

| Rule | Current regulation / wording | Potential changes / wording | Explanation of potential changes / questions for stakeholders | Stakeholder comments and feedback |
| --- | --- | --- | --- | --- |
| 5 | **Opening hours**   1. If a cemetery is not open to pedestrian access at all times, the cemetery trust must display at the main entrance of that cemetery and at prominent places within that cemetery the hours during which pedestrian access is available to the cemetery. 2. A cemetery trust must notify the Secretary of— 3. the hours during which pedestrian access is available to the cemetery; and 4. any changes to those hours. | Remove requirement to notify the Secretary - i.e. delete the whole of provision (2). | The department sees no need for the Secretary to be notified of the opening hours of each cemetery.  Do you have any comments about this proposed change? |  |
| 6 | **Funerals**   1. A cemetery trust may give directions to a person regarding the manner in which a funeral, including a funeral procession, is to be conducted in the cemetery. 2. A person responsible for arranging a funeral, including a funeral procession, in a cemetery must comply with any direction given by a cemetery trust under subrule (1). | Clarify or strengthen requirements for the safe conduct of funerals in public cemeteries. | Feedback was received that some cemetery trusts have safety concerns regarding how funerals are conducted in public cemeteries, including the obligations and responsibilities of funeral directors when conducting funerals  Do you have any examples of safety risks, near misses or incidents that have occurred? How often do these occur?  If you are responding as/on behalf of a trust, have you ever given a direction under Model Rule 6? Were you confident in how to write or issue a direction? Would additional guidance have helped (for example, a Model Direction in the Cemetery Trusts Manual that could be used as a template)? Was the direction complied with?  Have you ever received a direction under Model Rule 6? Was the direction clear? Were you able to comply with the direction? |  |
| 7-10 | **Memorials and places of interment**  **7 – Directions of cemetery trust**   1. A cemetery trust may give directions to a person regarding the items affixed to, or placed on, the places of interment and memorials in the cemetery. 2. A person must comply with any direction given by a cemetery trust under subrule (1).   **8 – Approval for certain mementos**  A person must not, without the approval of a cemetery trust under rule 4, place the following items on a memorial or place of interment—   1. ceramic or glass items that are fragile or breakable; or 2. metal items that are likely to rust or deteriorate.   **9 – Items likely to cause harm**  A person must not place any item likely to cause a risk to health or safety on a memorial or place of interment.  **10 – Items must remain within boundaries**  A person placing an item on a memorial or place of interment must ensure that the item does not extend beyond the boundaries of the memorial or place of interment. |  | Feedback was received that greater flexibility and tolerance for mementos on and around interment sites should be accommodated under the Regulations.  The department notes the need to balance:   * mourners’ rights to place items at or on an interment site and observe cultural or religious practices * other people’s rights to access public cemeteries without risk of harm, undue disturbance, or interference with interment sites caused by mementos that extend beyond the bounds of other places of interment. * aesthetics of memorials and mementos and their impacts on surrounding areas * damage to property and vegetation in the cemetery caused by memorials and mementos * occupational health and safety of staff and volunteers, and safety of the public within cemetery grounds * trusts’ functions to properly and efficiently manage and maintain public cemeteries.   Can you provide examples of issues, risks or harms caused by mementos or decorations on or around interment sites within a cemetery – for example, safety incidents, interference with trust operations, disturbance to other members of the public, aesthetic concerns?  Are there any other practices that pose safety risks to the public or trust workers that should be included in the Model Rules? What is the scale of the issue? |  |
| 11 | **Power to remove objects**  (1) A cemetery trust may remove any of the following from a memorial or place of interment in a cemetery for which it is responsible—  (a) any object that extends beyond the boundary of the memorial or place of interment;  (b) any dead flowers or any other item that is in a poor condition;  (c) any object placed on a memorial or place of interment in contravention of the Act, the regulations or these Rules. | Add an additional provision for a cemetery trust to remove any item that poses a risk to the safety of any person or impedes the operations of its staff in conducting their ordinary duties.  \*See proposed amendments to regulation 44 above regarding a requirement for specified persons to follow defined procedures, including consulting with ROI holders, when removing items from interment sites. | Feedback was received that substantive health and safety issues have been identified, compounded by the difficulty in overseeing situations across the many lands that cemetery trusts manage, where families leave decorations that may pose issues on adjacent plots or within communal spaces.  To effectively address community expectations and mitigate potential risks, it has been suggested that the Regulations should explicitly specify the power of cemetery trusts to remove objects for health and safety reasons.  What are the types of danger, disturbance, damage, or health and safety risk that arise from decorations that are placed in cemeteries, which cemetery trusts may be seeking to manage?  Are the current regulations and Model rules sufficient for trusts to address issues with items at interment sites that are dangerous, cause disturbance to other users of the cemetery, or extend beyond the boundaries of the interment site?  Can you provide examples of situations that arise where trusts are uncertain of their authority to act and where those situations relate to public safety?  Would sector-wide guidance about notification, removal, storage and disposal requirements address these concerns? |  |
| 14 | **Entry of animals into a cemetery**  A person must not allow any animal other than a dog to enter into or remain in a cemetery without the approval of the cemetery trust. | There has been a stakeholder suggestion to amend Rule 14 to permit “pets and support animals”. | Feedback was received that individuals may find solace and emotional support in various types of animals beyond dogs and that the Model Rules should be expanded to accommodate all pets, assistance and emotional support animals for the emotional and physical wellbeing of mourners and other visitors.  The department notes that a more inclusive approach must not interfere with maintaining a peaceful and respectful environment within the cemetery, or create unacceptable risk of damage to parts of the cemetery or land. As the term ‘pet’ could include a wide range of animals such as reptiles, chickens, pigs and horses, which might raise a relatively high risk of disturbance, and damage to the cemetery or land, any amendment would need to be consistent with community expectations about what is appropriate within a cemetery.  Do you have any comments about the suggestion to allow support animals?  Do you have any comments about the suggestion to allow pets?  Do you have any examples where other animals have entered cemeteries in breach of this rule? What were the impacts?  The department also notes that Rule 14 already allows a trust to approve the entry of animals other than dogs. If animals, such as horses, are used in a funeral service, how is this usually managed?  Do trusts regularly receive requests to bring other animals into the cemetery as part of funeral services or more generally? If so what kind of animals? Do you have any examples of adverse impacts? |  |
| 15 | **Control of animals in a cemetery**  A person who brings a dog or, in accordance with rule 14, any other animal into a cemetery for the purpose of recreation, visiting a place of interment or attendance at a funeral ceremony must keep that dog or other animal under immediate control at all times. | There has been a stakeholder suggestion to amend Rule 15 to explicitly state that dogs must be on a lead.  To align with other legislation, the department is also considering changing *immediate control* to *effective control.*[[14]](#footnote-15) | Feedback was received that ‘under immediate control’ is not explicit and people may claim they have voice control over their dog when it is not on a lead and in fact not in control.  Do you have examples where dogs are off-lead in cemeteries? How often? Is this an issue? Have there been examples of harm occurring?  Do you have any comments about introducing a requirement for all dogs to be on a lead? |  |
| 16 | **Offence to build within a cemetery**  (1) Subject to subrule (2), unless a person has an approval under the Act to do so, a person must not construct or erect any building, structure, enclosure or fence in a cemetery without the prior written approval of the cemetery trust in accordance with rule 4. | Amend regulation to include buildings, structures enclosures or fences that are permanent or temporary, including decorative items. | Feedback was received that cemetery trusts have had issues with fences and barriers being constructed around interment sites without trust approval.  Do you have examples of unauthorised construction occurring in a cemetery? How often? What types of structures? What were the impacts? |  |

## General comments

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| **General comments about the Regulations, Forms and Model Rules** |
| * Do you have any other suggestions, comments or feedback? |

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| To receive this document in another format, phone 03 9456 3838, using the National Relay Service 13 36 77 if required, or [email the Department of Health’s Legislative and Regulatory Reform Team](mailto:legandregreform@health.vic.gov.au) at <legandregreform@health.vic.gov.au>.  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Health, January 2025.  ISBN 978-1-76131-710-1 (online/MS Word) or (print)  Available at the Department of Health website [Cemeteries and crematoria](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria) <https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria>.  In this document, ‘Aboriginal’ refers to both Aboriginal and Torres Strait Islander people. |

1. See sections 7(2) and 8, *Subordinate Legislation Act*, [Victorian legislation website](https://www.legislation.vic.gov.au/in-force/acts/subordinate-legislation-act-1994/042), <https://www.legislation.vic.gov.au/in-force/acts/subordinate-legislation-act-1994/042>. [↑](#footnote-ref-2)
2. Note that funeral directors are not covered by the regulatory scheme and no expansion of scope is being proposed as part of this review. Any change to the definition would be intended to reflect the diversity of cultural practices in the sector and to signal inclusiveness. [↑](#footnote-ref-3)
3. Part 6, Division 2A was inserted into the Act in 2021 to allow the Secretary to vary or force the surrender of an ROI to protect affected persons against further significant harm, pain or suffering that may be caused as a result of the exercise of an ROI by or in favour of a person who has committed an indictable offence or a deceased person who has been found by a coroner to be responsible for another person’s death. [↑](#footnote-ref-4)
4. *Foetal remains* are less than 20 weeks’ gestation or less than 400g if gestation period cannot be reliably established. A *still-born child* means a child of at least 20 weeks' gestation or, if it cannot be reliably established whether the period of gestation is more or less than 20 weeks, with a body mass of at least 400 grams at birth, that exhibits no sign of respiration or heartbeat, or other sign of life, after birth (see section 4 of the Births, Deaths and Marriages Registration Act 1996). Interment of a still-born child is covered by regulation 16 and Form 1; cremation of a still-born child is covered by regulation 18 and Forms 3 or 3A. [↑](#footnote-ref-5)
5. If a person chooses to inter or cremate body parts (including foetal remains) in a public cemetery or crematorium, they must make an application that complies with section 151 of the Act. [↑](#footnote-ref-6)
6. Other persons or classes of persons can be prescribed in the Regulations in addition to the *prescribed persons* defined in the Act. [↑](#footnote-ref-7)
7. Trusts should note that section 27 of the Act requires that a cemetery trust rule does not come into operation until it has been approved by the Governor in Council and published in the Government Gazette. [↑](#footnote-ref-8)
8. The exclusion is also described in the *Manual for Victorian Class A cemetery trusts* and *Manual for Victorian Class B cemetery trusts* which state: “An interment in a vault does not need to comply with the depth of burial requirements outlined under r. 24 of the Cemeteries Regulations. Vaults may be located above ground or at any depth below the ground as approved by the cemetery trust.” The manuals are available on the [Department of Health website](../../Consultation%20-%20Stage%202/Department%20of%20Health%20website) <https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria>. [↑](#footnote-ref-9)
9. Model Rules are set out in Schedule 2 of the Regulations. The Model Rules provide for the general care, protection and management of a public cemetery by a cemetery trust if the cemetery trust has not made cemetery trust rules. [↑](#footnote-ref-10)
10. For example, Model Rule 10 states that items placed on a memorial or place of interment must remain within the boundaries of a memorial or place of interment. [↑](#footnote-ref-11)
11. Regulation 5 states *vehicle* means a mechanical or motorised vehicle, bicycle, carriage, cart, horse, rollerblades, rollerskates, skateboard or any other means of conveyance. [↑](#footnote-ref-12)
12. *Funeral* *service* or any other term could be used here, noting the proposal to define *funeral* in a broad, inclusive way as discussed in regulation 5 above. [↑](#footnote-ref-13)
13. For example, schools of anatomy. [↑](#footnote-ref-14)
14. For example, the *Domestic Animals Act 1994.* [↑](#footnote-ref-15)