

# **BEECHWORTH CEMETERY TRUST**

## **Policy: The Establishment & Alterations of Memorials in the Beechworth Public Cemetery.**

### **Introduction:**

This policy has been introduced to provide clarity and guidance for those proposing to either establish and/or alter memorials and/or graves within the Beechworth Public Cemetery. This policy covers both the Lawn and General Sections of the Cemetery.

### **Legislative requirements:**

The Cemeteries and Crematoria Act 2003, Part 7 Division 2, establishes the power for a Cemetery Trust to approve and manage the establishment and alteration of monuments within the cemetery. In particular clause 99(1)(c) enables a Cemetery Trust to refuse an application for any other reason that the Cemetery Trust thinks fit. The Department of Health and Human Services - Victoria - (DHHS) have advised that where a Trust develops a policy to manage operating procedures of the cemetery which does not alter or conflict with the Model Rules for the Cemetery the Trust does not need to have the Policy approved by the Governor in Council. The Trust has reviewed this Policy and has not sought approval from the Governor in General as the Policy does not conflict or alter the Model Rules for the Trust.

### **Background:**

The historic Beechworth Public Cemetery, established in 1856, is the final resting place of over seventeen thousand men women and children. Of these, over ten thousand people within the General Cemetery are buried in unmarked graves, with many of these involving multiple unrelated interments. Around six thousand people were former residents or patients of the large institutions that once flourished in the township. The accurate documentation of some of these many thousands of burials cannot be guaranteed, particularly as, from 1856 up to 1877, the burial records are either non-existent, partially missing or sparse. This situation results, in many instances, in difficulties establishing the exact location of unmarked graves for possible future monument installation. From this, it is imperative that the Trust be involved in any plot location process, either for family members of the deceased, researchers or for marking the plot(s) for Monumental Masons who may be commissioned to construct monuments on grave-sites.

### **Policy process:**

All monuments/graves within the Beechworth Public Cemetery must be constructed by qualified and registered Monumental Masons as deemed by the DHHS. From this, monuments/graves cannot be erected, demolished or removed by anyone, other than the above-mentioned Monumental Masons. (OH&S requirements, construction standards etc are paramount in these processes).

For those proposing to either have a monument erected or altered within the Beechworth Public Cemetery, then the following guidelines must be adhered to:

## Recent burials

1. Normally, the relative of an interred person who was issued with the “Right of Interment” for the deceased has the authority to have a monument erected or altered within the Cemetery but by a qualified and registered Monumental Mason approved by the Trust. The issuing of the “Right of Interment” forms part of the burial process documentation.
2. Other persons who may have authority to erect or alter a monument within the Cemetery includes:
  - a) The executor of the estate of the person in whose name the “Right of Interment” was issued, or,
  - b) Someone who has the written authority of the person, or executive of the estate of the person in whose name the “Right of Interment” was issued.

(In both of the above circumstances, a) & b), a “Statutory Declaration” is required.

## Historic Burials

- I. In many instances, and in particular with historic graves, it is difficult to establish who actually holds the “Right of Interment”. In some of these cases, the Trust holds the “Right of Interment”, e.g. residents from the former institutions which once operated in Beechworth, paupers, gold-rush miners etc.
  - II. The applicant seeking to establish or alter a monument for a single interment or multiple interments of RELATED PERSONS in the one plot must provide written documentation that they have consulted with relatives of the deceased and have their agreement to establish or alter a monument; or
  - III. The applicant seeking to establish or alter a monument or graves containing multiple burials where the RELATIONSHIP BETWEEN THOSE BURIED IN THE GRAVE ARE UNKNOWN, agrees in writing that they understand that other monuments may be established or altered on that grave by descendants of the other person(s) buried in that grave. As such, the monument to be installed or altered needs to allow room for other monuments and therefore the size must be approved by the Trust; or
  - IV. If the applicant seeking to establish or alter a monument has no obvious or known relationship to the deceased person, then they must:
    - a) Provide the Trust with reasonable written grounds as to why they are seeking the application and,
    - a) provide written documentation to the Trust that they have endeavoured to contact or find living descendants to seek their permission to establish or alter a monument.
- a “Statutory Declaration” is required by the Trust in instances c) & d) above.

## Proposed Graves/monuments incorporating flower-beds etc.

From time to time and in the course of a proposal to construct a grave/monument, the Trust has received requests from the relatives of a deceased person to incorporate a permanent flower-bed as part of the overall recognition structure. This does not include the small receptacles which are sometimes build into a grave to hold fresh and/or artificial flowers. In these requested instances, an undertaking is given by the relatives concerned stating that they will fully maintain the garden-bed plants on an ongoing and permanent basis. It should be noted that such grave/monument flower bed requests may also involve extra infostructure costs for the Trust in the form of additional drainage, water line extensions etc, to sustain the plants.

Given the historical significance of the Beechworth Public Cemetery, the Trust funds all required gardening and horticultural aspects of the Cemetery's operations and at a considerable annual cost by employing professional contractors for this purpose. The Trust is mindful of and respects the fact that graves/monuments within the facility are entirely the property of the relatives of the deceased.

However, emanating from these particular requests, there exists a very real potential for the responsibility for such grave/monument garden-beds to eventually become the maintenance responsibility and a financial liability of the Cemetery Trust, particularly when the descendants of the deceased eventually pass away. The Trust cannot be held liable for the maintenance of any aspect of family graves/monuments and this includes proposed flower-beds in both the short and long term. Therefore, given the above reasoning, the Trust finds itself in a position to reject any such grave/monuments proposals that may incorporate flower-beds or associated gardening and/or horticultural aspects as part of a proposed grave/monument structure.

### Monuments in the Lawn Section:

- I. With burials in the Lawn Section of the Cemetery, The Beechworth Cemetery Trust requires that the person(s) who is issued with the "Right of Interment" install a headstone or desktop on the grave within twelve (12) months of the burial date.
- II. Headstone Monuments must be black and similar to each other when back-to-back. The headstone bases can be either be black or grey.

Also, the Beechworth Public Cemetery provides options for prospective users of the facility to pre-purchase plots within both the General and Lawn Sections of the Cemetery, along with niches for ashes in the Memorial Wall for future interments. With the Lawn Section of the Cemetery and pre-purchased plots, The Beechworth Cemetery Trust requires that the person(s) who is issued with the "Right of Interment" install a blank headstone or desktop on the plot within twelve (12) months of the date of the "Deed Title" being issued.

If, for whatever reason, a pre-purchased plot in the Lawn Section is surrendered back to the Trust, then the Trust uses the recommended fee scale for surrender of a "Right of Interment" that is issued by the DHHS to determine the surrender value. Also, if the reserved plot in the Lawn Cemetery is surrendered with a monument in place, the Beechworth Cemetery Trust will not be responsible for:

- Costs for the removal of the monument; and
- Compensation for any financial outlay associated with the monument.

### The Memorial Wall:

Although ashes interments in the Memorial Wall do not require a monument as a niche is already provided by the Beechworth Public Cemetery, the ashes container must be suitably sealed at the time of the placement. The niche is covered by a bronze plaque manufactured and adhered to the Wall by an accredited Monumental Mason approved by the Trust. The requirements for the bronze plaque process are detailed within the Beechworth Public Cemetery Policy "*Interment of Cremated Human Remains*"

## Non-standard/non-traditional Monuments

Occasionally, the Trust receives a request to install a monument in the General Cemetery that is not that of a standard grave or headstone. These requests usually take the form of a natural rock that may either have inscribing's or a bronze plaque fixture. Given the historical significance of the Cemetery, the Trust needs to ensure that these proposed monuments are aesthetically suitable for erecting in the facility. Therefore, it is a Trust requirement that when an "*Application for a Permit to Erect or Add to a Monument Form*" is submitted for approval, that it also contains a dimensional sketch/diagram of the proposal which should include the size, height, width and the material to be used, if it is other than natural rock and any other relevant information. If the Trust feels that the rock monument is unsuitable, it may reject the proposal or request alterations. The Trust is available to assist and advise in these circumstances.

## Unauthorised Monuments.

The Cemeteries and Crematoria Act 2003, Part 7 Division 2, provides the Trust with the power to remove any monument if there are sufficient grounds to do so as detailed hereunder:

- Does not comply with the relevant OH&S regulations as legislated and therefore, may pose a significant OH&S risk to Cemetery Staff, Contractors, Visitors etc,
- Does not comply with the relevant Australian Standards,
- Has not been constructed by a registered Monumental Mason approved by the Trust,

An *Application for a Permit to Erect or Add to a Monument* has not been lodged and approved by the Trust.

Therefore, if it is found by the Trust that an unauthorised monument has been erected within the Beechworth Public Cemetery as detailed above, then the following process will be implemented:

- I. Every effort will be made to ascertain who the unauthorised monument belongs to and contact will then be made with the relative(s) concerned. In this instance, the existing cemetery burial and other records may be used to locate the "next-of-kin" of the deceased who is buried in the relevant plot,
- II. Formal contact will then be made and a request to remove removed by the Trust and the expenses for this will be passed on to the relevant person(s) involved. This removal request will either be by formal letter or email.
- III. If the monument to be removed includes professionally manufactured plaques etc, then these will be stored for safekeeping by the Trust. These withheld items will be made available for collection at a pre-arranged time and date, suitable to both parties.

## Memorial Permit Fees

*(Application for a Permit to Erect or Add to a Monument) - Form*

Monumental work does attract a "memorial permit fee" payable to the Cemetery Trust. However, this will be included in the total monument account sent to the client by the Monumental Mason. The Trust will then receive the "memorial permit fee" from the Monumental Mason. This fee covers the Trust's workload in the overall service undertaking, i.e. on-site visit with the client to locate the grave/plot, burial research to ascertain the number of and relationship of the internees within a grave which then dictates the type of

monument that can be constructed, liaising with and marking the plot for the Monumental Mason, administrative tasks associated with the above etc.

This Memorial Permit Fees are approved by the DHHS and increased by the CPI annually. The “Monument Permit Fees” are detailed within the overall “Fees Structure Schedule” on the Cemetery website <http://www.beechworthcemetery.com.au>

A copy of the “Application for a Permit to Erect or Add to a Monument” form is included for client /Monumental Mason use.

### Consultation:

During the development and review of this Policy the Trust consulted with the Department of Health and Human Services - Victoria (DHHS) and the Cemeteries and Crematorium Association of Victoria (CCAV) as well as a desktop scan of other Cemetery Trust websites.

### Policy Clarification and Concerns:

If the contents of this policy require further clarification or additional information by Cemetery users, then these should be directed to “[The Cemetery Trust](#)”.

### Policy Publicity:

This policy will be available on the Beechworth Public Cemetery website and also made available on request by contacting the Trust.

### Implementation of Policy:

The Trust authorise the Chairperson to implement this policy and where applicable, consistent with any strategic documents or plans for the Beechworth Cemetery Trust.

### References:

- Occupational Health & Safety Act - 2004 (Vic)
- Occupational Health & Safety Regulation - 2017
- The Australian Standard on Good Governance Principles IV.
- Cemeteries & Crematoria Act - 2003
- Australian Standards - AS 4204 -1994 Headstones & Cemetery Monuments
- Beechworth Public Cemetery Policy “Interment of Cremated Human Remains”

**Adopted:** Trust Meeting - 26<sup>th</sup> May 2009

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To be reviewed - 2025