

# Cemeteries and Crematoria Act 2003

## bulletin no.2 August 2004

**The *Cemeteries and Crematoria Act 2003* bulletin is provided to update you on the implementation of the new Cemeteries and Crematoria Act. The Cemeteries and Crematoria Act will take effect on 1 July 2005.**

This bulletin provides you with information on the new cemeteries regulations and model rules, including how we will consult you on their development.

### **The development of regulations and model rules**

#### **What is a regulation?**

A regulation is a statutory rule made to support an Act of Parliament. Regulations are made by the Governor-in-Council. Regulations may be revoked by the Governor-in-Council and, in Victoria, are automatically revoked within 10 years of being made.

#### **What could be covered by the regulations?**

The following areas could be covered by regulations:

- records to be kept by cemetery trusts regarding the location, date of birth and date of death of those interred
- prescribed forms (such as applications for interment and cremation authorisations) and fees to be charged by the department (such as fees for making exhumation applications)
- enclosing body parts and bodily remains that are brought into a cemetery
- collection and disposal of cremated human remains
- constructing and excavating places of interment
- conditions on the collection and release of cremated remains to third parties
- appropriate behaviour, prohibited activities and vehicle access and parking in a public cemetery
- the extent to which commercial activities are permitted in public cemeteries.

#### **What are model rules?**

The new Act provides for the Governor-in-Council to make model rules for the care, protection and management of public cemeteries. The model rules will apply to all cemetery trusts, unless a trust has made its own rules and these have been approved by the Governor-in-Council and published in the *Government Gazette*.

## What is a Regulatory Impact Statement?

Where regulations are to be made, the Government must prepare a Regulatory Impact Statement, providing information such as:

- the objectives of the regulations
- whether these objectives could be achieved other than by making regulations
- an explanation of the practical effect of the regulations
- an assessment of the costs and benefits of the regulations
- an assessment of the costs and benefits of any alternatives to making regulations, that would still achieve the same objective as making regulations.

This information is also available at:  
[www.health.vic.gov.au/cemeteries](http://www.health.vic.gov.au/cemeteries)

For further information contact the Cemeteries Act Implementation Team on (03) 9637 4824 or 1800 034 280

## What will be covered by the model rules?

The following areas could be covered by model rules:

- cemetery opening hours
- permission to build or alter memorials, places of interment and buildings for ceremonies
- inspection of memorial work
- regulating funerals and funeral processions
- conditions regarding placing flowers and mementos on memorials or places of interment.

## How will the department consult key stakeholders on the development of regulations and model rules?

The consultation process will be in two stages:

- stakeholder consultations in September on key elements that may be included in the regulations and model rules
- a public consultation, early next year, on the draft regulations, model rules and the Regulatory Impact Statement (see box at left).

This month, the department's Implementation Team will commence consultations with peak bodies and other interested parties on key elements that may be included in the regulations and model rules. Your feedback will assist us by informing the drafting of the regulations and model rules.

In addition, Victorian funeral directors and trusts will be invited to attend consultation forums on possible elements that may be covered in the regulations and model rules. The attached flier provides further information for trusts and funeral directors on the times, dates and venues for the consultation forums.

We will also undertake a public consultation process early next year. This process will provide you with an opportunity to comment on:

- the draft regulations and model rules
- the Regulatory Impact Statement that will accompany them.

## When will consultations on the Regulatory Impact Statement occur?

In early 2005, stakeholders will have an opportunity to provide written comment on the statement as well as any additional comments on the regulations and model rules.