

# Cemeteries and Crematoria Act 2003— New forms to be used from 1 July 2005: What you need to know

From 1 July 2005 trusts, funeral directors and medical practitioners will need to use different forms for processes such as applications to inter bodily remains and applications for cremation authorisation. The table below tells you what you need to know about the new forms.

Name and purpose of form	Which form does it replace?	Optional or compulsory?	Who fills it out?	Additional information	Additional documentation
<p><b><i>Application for Right of Interment</i></b></p> <p>An application to a cemetery trust for the sale of a “pre-need” or “at-need” right of interment to inter bodily remains or cremated remains.</p>	<p>Part of the yellow Cemeteries and Crematoria Association form: <i>Application for Burial and/or Grant of Right of Burial</i>.</p>	<p>Optional.</p> <p>If a cemetery trust wishes to use its own form rather than the Department’s form it may do so. However, to ensure the trust can administer the cemetery appropriately and comply with new record keeping requirements if a trust uses its own form it must collect details of:</p> <ul style="list-style-type: none"> <li>• the applicant for the right of interment</li> <li>• the holder of the right of interment</li> <li>• the right of interment</li> <li>• the place of interment to which the right relates.</li> </ul> <p>A privacy statement similar to that provided by the Department on its form must also appear on the form.</p>	<p>For “pre-need” purchases—generally a funeral director, the person who is purchasing a right of interment, or a family member on their behalf.</p> <p>For “at-need” purchases—generally a family member or funeral director on their behalf.</p> <p>While the funeral director will generally fill the form out, they are not the applicant. The funeral director should remind the applicant to check the accuracy of the information they provide before signing the form.</p>	<p>Once the right of interment has been purchased the trust:</p> <ul style="list-style-type: none"> <li>• should provide the applicant with evidence that the right of interment has been issued and details about the right that has been granted. Evidence may take the form of a receipt and/or other documentation for example using the trust’s common seal.</li> <li>• should advise the applicant about the importance of informing the trust of any changes to the contact details of the holder of the right of interment.</li> </ul> <p>The form provides separate sections for the applicant and the holder of the right of interment. The applicant is the person who purchases the right. The holder of the right is the person for whom the right is intended.</p>	<p>For rights purchased “pre-need”—none.</p> <p>For rights purchased “at-need” to inter bodily remains—the <i>Application for Interment Authorisation</i> form.</p> <p>For rights purchased “at-need” to inter cremated remains—the <i>Application for Approval to Inter Cremated Remains</i> form.</p>

Name and purpose of form	Which form does it replace?	Optional or compulsory?	Who fills it out?	Additional information	Additional documentation
<p><b><i>Application for Interment Authorisation</i></b></p> <p>For an application to a cemetery trust for approval to inter bodily remains. It cannot be used for an application to inter cremated remains.</p>	<p>Part of the yellow Cemeteries and Crematoria Association form: <i>Application for Burial and/or Grant of Right of Burial</i>.</p>	<p>Compulsory.</p>	<p>The person making the application for approval to inter the bodily remains, such as a family member; or a funeral director on behalf of the applicant.</p> <p>While the funeral director will generally fill the form out, they are not the applicant. The funeral director should remind the applicant to check the accuracy of the information they provide before signing the form.</p>	<p>If the applicant has not informed the holder of the right of interment about the application the trust must satisfy itself the applicant has legitimate reason for not having done so.</p> <p>The <i>Other Matters</i> section provides for a company stamp. This is optional and can be used rather than filling in the contact details on the left of this section.</p> <p>Applications to inter body parts, and foetal remains that are not a still-born child, are covered by section 151 of the <i>Cemeteries and Crematoria Act 2003</i>.</p>	<p>Where the right of interment was purchased “pre-need” for ease of administration the trust should keep the <i>Application for Interment Authorisation</i> form with the <i>Application for Right of Interment</i> form.</p> <p>Where the right of interment is purchased “at-need” the <i>Application for Interment Authorisation</i> form will generally be submitted with the <i>Application for Right of Interment</i> form.</p> <p>The application must be accompanied by:</p> <ul style="list-style-type: none"> <li>the Medical Certificate of Cause of Death of a person aged 28 days or older; or</li> <li>a Medical Certificate of Cause of Perinatal Death; or</li> <li>a Notice of Still-birth in the case of a still-born child; or</li> <li>other documentation referred to in section 116 of the <i>Cemeteries and Crematoria Act 2003</i> such as a Coroner’s Certificate.</li> </ul>
<p><b><i>Application for Cremation Authorisation</i></b></p> <p>For an application to a cemetery trust to authorise cremation.</p>	<p>First page of four page blue Departmental form: <i>Application for Cremation</i>.</p>	<p>Compulsory.</p>	<p>As above for <i>Application for Interment Authorisation</i> form.</p>	<p>The <i>Cremated Remains</i> section of the form enables the applicant to nominate an agent to collect the cremated remains from the crematorium on their behalf.</p> <p>The applicant may also nominate an agent in writing to collect the remains for up to 12 months after the cremation takes place.</p> <p>In order to complete the <i>Statement by Funeral Director</i> section of the form, the funeral director will need to check the Medical Certificate of Cause of Death for any reference to the presence of a pacemaker or other battery operated device.</p> <p>Applications to cremate body parts and foetal remains that are not a still-born child, are covered by section 151 of the <i>Cemeteries and Crematoria Act 2003</i>.</p>	<p>When submitted to the trust the application must be accompanied by:</p> <ul style="list-style-type: none"> <li>the Certificate of Registered Medical Practitioner Authorising Cremation; and either: <ul style="list-style-type: none"> <li>the Medical Certificate of Cause of Death of a person aged 28 days or older; or</li> <li>a Medical Certificate of Cause of Perinatal Death.</li> </ul> </li> </ul> <p>When the following documents are provided a Certificate of Registered Medical Practitioner is not required:</p> <ul style="list-style-type: none"> <li>a Notice of Still-birth in the case of a still-born child; or</li> <li>other documentation referred to in section 131 of the <i>Cemeteries and Crematoria Act 2003</i> such as a Coroner’s Certificate.</li> </ul>

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<p><b><i>Certificate of Registered Medical Practitioner Authorising Cremation<sup>ii</sup></i></b></p> <p>Provides for an independent medical practitioner to authorise the cremation.</p>	<p>Last page of four page blue Departmental form: <i>Certificate of Licensed Medical Practitioner Authorising Cremation.</i></p>	<p>Compulsory.</p>	<p>A registered medical practitioner who:</p> <ul style="list-style-type: none"> <li>• did not sign the Medical Certificate of Cause of Death.</li> <li>• is not in partnership<sup>iii</sup> with and will not derive any professional remuneration from any medical practitioner attending the deceased.</li> <li>• has not and will not acquire any property or pecuniary benefits due to the death of the deceased.</li> </ul> <p>If the medical practitioner is unable to make one or more of statements 2, 3, 4 or 5 on the form they must telephone the Coroner's Office on (03) 9684 4444.</p>	<p>Applications to cremate body parts and foetal remains that are not a still-born child are covered by section 151 of the <i>Cemeteries and Crematoria Act 2003</i>.</p>	<p>The funeral director or other person arranging the cremation must provide the medical practitioner filling out this form with:</p> <ul style="list-style-type: none"> <li>• a completed <i>Application for Cremation Authorisation</i> form; and</li> <li>• a copy of the Medical Certificate of Cause of Death of a person aged 28 days or older; or</li> <li>• a copy of the Medical Certificate of Cause of Perinatal Death.</li> </ul>
<p><b><i>Application for Approval to Inter Cremated Remains</i></b></p> <p>For an application to a cemetery trust for approval to inter cremated remains.</p>	<p>No standard form currently.</p>	<p>Optional.</p> <p>If a cemetery trust wishes to use its own form rather than the Department's form it may do so. However, to ensure the trust can administer the cemetery appropriately and comply with new record keeping requirements if a trust uses its own form it must collect details of:</p> <ul style="list-style-type: none"> <li>• the deceased</li> <li>• the interment</li> <li>• the applicant</li> <li>• the holder of the right of interment</li> <li>• the place of interment</li> <li>• the funeral director or other person arranging for interment of the cremated remains.</li> </ul> <p>A privacy statement similar to that provided by the Department on its form must also appear on the form.</p>	<p>The person making the application for approval to inter the cremated remains, such as a family member; or a funeral director on behalf of the applicant.</p> <p>The applicant should check the accuracy of the information they provide before signing the form.</p>		<p>For ease of administration the trust should keep the <i>Application for Approval to Inter Cremated Remains</i> form with the <i>Application for Right of Interment</i> form.</p> <p>Where the right of interment is purchased "at-need" the <i>Application for Right of Interment</i> form will be submitted with the <i>Application for Approval to Inter Cremated Remains</i> form.</p>

Name and purpose of form	Which form does it replace?	Optional or compulsory?	Who fills it out?	Additional information	Additional documentation
<p><b><i>Application for Exhumation Licence</i></b></p> <p>For an application to the Department to exhume human remains. The application must be accompanied by payment; currently \$140.</p>	Yellow six page Departmental form.	Compulsory.	Generally a family member or funeral director assisting with the exhumation.		<p>The applicant is required to attach a letter from the cemetery trust:</p> <ul style="list-style-type: none"> <li>• advising of the identity of the holder of the right of interment; and</li> <li>• confirming that the exhumation can proceed; or</li> <li>• detailing any reasons why in the trust's view the exhumation cannot proceed at this time.</li> </ul>

- i What may be considered a legitimate reason will vary with the circumstances and each trust will need to exercise judgement in the particular circumstances of the case. A trust may, for example, consider that it is a legitimate reason for not obtaining the consent of the holder of the right of interment if the holder is travelling in a remote location and is not contactable within a reasonable time. A trust may also consider it a legitimate reason for not obtaining the consent of the holder of the right of interment if the right formed part of the deceased person's estate, and the identity of the person inheriting the right has not been finally established. The trust should avoid proceeding with an interment without the consent of the holder of the right of interment if it appears to the trust that there is a dispute between the various parties involved.
- ii Note separate detailed guidance notes on this form have been developed for medical practitioners authorising cremation. In the first instance these have been distributed to Government Medical Officers in Victoria. The guidance notes can be obtained from [www.health.vic.gov.au/cemeteries](http://www.health.vic.gov.au/cemeteries) or by contacting the Cemeteries Act Implementation Team on 9637 4824 or 1800 034 280.
- iii 'Partnership' refers to a legal relationship of persons carrying on a business with a view to profit. Partners are jointly and severally liable for the debts incurred in connection with the partnership. It does not include for example two doctors who work in a hospital and share the same employer.