

|  |
| --- |
| Fines and penalties for cemeteries and crematoria 2023-24 |
|  |

Contents

[Cemeteries and Crematoria Act 2003 1](#_Toc99973893)

[Cemeteries and Crematoria Regulations 2015 4](#_Toc99973894)

This document is an annually updated publication of the indexation of fines and penalties for the reference of the general public.

# Cemeteries and Crematoria Act 2003

| Cemeteries and Crematoria Act 2003, section | Description | 2022-23 Penalty amount  | 2023-24 Penalty amount |
| --- | --- | --- | --- |
| 26(3) Power to make cemetery trust rules. | Cemetery trust rules may impose a penalty not exceeding 20 penalty units for any contravention of the cemetery trust rules |  $3,698.40  | $3,846.20 |
| 51E(1) (b) Confidentiality requirements. | […] a person who is, or at any time has been, a person conducting an audit or investigation under section 51 must not, either directly or indirectly— […]Make use of any such information for any purpose other than the performance of official duties or the performance or exercise of that function or power.Penalty: 100 penalty units |  $18,492  | $19,231 |
| 81 Offence to receive certain consideration for right of interment. | A person must not receive any consideration for or in connection with the transfer or use of a right of interment except - (a) in accordance with section 79(2); or (b) as a refund from a cemetery trust under this Act.Penalty: 240 penalty units or 2 years imprisonment or both |  $44,380.80  | $46,154.40 |
| 95(1) Offence to desecrate memorials | Penalty: 240 penalty units or 2 years imprisonment or both | $44,380.80 | $46,154.40 |
| 96(1) Offence to desecrate places of interment | Except in accordance with this Act, a person must not wilfully break open, damage, desecrate or destroy a place of interment.Penalty: 240 penalty units or 2 years imprisonment or both | $44,380.80 | $46,154.40 |
| 114 Unlawful interment | A person must not inter bodily remains in a place other than a public cemetery unless the Secretary has granted an interment approval for that interment.Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 115 Offence to inter bodily remains in public cemetery without interment authorisation | A person must not inter bodily remains in a public cemetery unless the cemetery trust responsible for that public cemetery has granted an interment authorisation for that interment.Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 117 Offence to make a false statement in application for interment authorisation | A person must not make a false statement in an application for an interment authorisation.Penalty: 240 penalty units or 2 years imprisonment or both |  $44,380.80  | $46,154.40 |
| 120 Offence to fail to comply with interment authorisation | A person to whom an interment authorisation is granted must not fail to comply with any condition of that interment authorisation.Penalty: 120 penalty units or 12 months imprisonment or both |  $22,190.40 | $23,077.20 |
| 122 Offence to make false statement in application for interment approval | A person must not make a false statement in an application for an interment approval.Penalty: 240 penalty units or 2 years imprisonment or both | $44,380.80 | $46,154.40 |
| 125 Offence to fail to comply with interment approval | A person to whom an interment approval is granted must not fail to comply with any condition of that interment approval.Penalty: 120 penalty units or 12 months imprisonment or both |  $22,190.40 | $23,077.20 |
| 129 Unlawful cremation | A person must not cremate bodily remains or assist in the cremation of bodily remains at any place other than - (a) at a crematorium in a public cemetery; or (b) in accordance with an approval of the Secretary under section 136.Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 130 Offence to cremate without cremation authorisation | A person must not cremate bodily remains or assist in the cremation of bodily remains in a crematorium in a public cemetery unless the cemetery trust has granted a cremation authorisation for the cremation.Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 132 Offence to make false statement in application for cremation authorisation | A person must not make a false statement in an application for a cremation authorisation.Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 137 Offence to make false statement in application to Secretary | A person must not make a false statement in an application for-(a) a cremation approval; or(b) an approval to cremate bodily remains at a place other than a crematorium in a public cemetery.Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 140 Offence to make false statement in certificate of registered medical practitioner authorising cremation | A person must not make a false statement in a certificate of a registered medical practitioner authorising cremation.Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 141 Offence to inter cremated human remains in public cemetery without authority | A person must not inter cremated human remains or assist in the interment of cremated human remains in a public cemetery unless the cemetery trust has authorised the interment under this Act.Penalty: 20 penalty units  |  $3,698.40 | $3,846.20 |
| 153 Offence to inter body parts in public cemetery without authority | A person must not inter body parts or assist in the interment of body parts in a public cemetery unless the cemetery trust has authorised the interment under this Act.Penalty: 20 penalty units |  $3,698.40 | $3,846.20 |
| 155 Offence to exhume other than in accordance with this Act | Except in accordance with this Act, a person must not exhume or remove human remains from any place of interment.Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 158A False statements | A person must not knowingly make a false statement in an application for an exhumation licence under this Part.Penalty: 240 penalty units or 2 years imprisonment or both | $44,380.80 | $46,154.40 |
| 159 Offence to fail to comply with exhumation licence | A person who has been granted an exhumation licence must comply with the terms and conditions of the exhumation licence. Penalty: 240 penalty units or 2 years imprisonment or both | $44,380.80 | $46,154.40 |
| 162 Offence not to produce identity card | An authorised officer must produce his or her identity card for inspection— (a) before exercising a power under this Part; and (b) at any time during the exercise of the power under this Part if asked to do so. Penalty: 10 penalty units |  $1,849.20 | $1,923.10 |
| 169 Refusal or failure to comply with requirement | A person must not refuse or fail, without reasonable excuse, to comply with a requirement of an authorised officer under this Part.Penalty: 60 penalty units |  $11,095.20  | $11,538.60 |
| 170 Offence to hinder or obstruct authorised officer | A person must not, without reasonable excuse, hinder or obstruct an authorised officer exercising a power under this Part Penalty: 60 penalty units |  $11,095.20 | $11,538.60 |
| 171(1) Offence to give false or misleading information | A person must not give information to an authorised officer under this Part that the person believes to be false or misleading in any material particular.Penalty: 60 penalty units |  $11,095.20 | $11,538.60 |
| 171(2) Offence to give false or misleading information | A person must not produce a document to an authorised officer under this Part that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information.Penalty: 60 penalty units | $11,095.20 | $11,538.60 |
| 173 Offence to impersonate authorised officer | A person who is not an authorised officer must not, in any way, hold himself or herself out to be an authorised officer.Penalty: 60 penalty units |  $11,095.20 | $11,538.60 |
| 176 Offence to dispose of falsely identified bodily remains | A person must not knowingly dispose of or arrange for the disposal of falsely identified bodily remains. Penalty: 600 penalty units or 5 years imprisonment or both |  $110,952  | $115,386 |
| 180 (k) Regulations and model rules. | The Governor in Council may make regulations for or with respect to - prescribing penalties not exceeding 20 penalty units for a contravention of the regulations or the model rules. |  $3,698.40 | $3,846.20 |

# Cemeteries and Crematoria Regulations 2015

| Cemeteries and Crematoria Regulations 2015, section | Description | 2022-23 Penalty amount | 2023-224 Penalty amount |
| --- | --- | --- | --- |
| 23 Requirements for enclosure of bodily remains and 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 remains or body parts are enclosed in a coffin, container or receptacle -(a) that is clean and hygienic; and(b) that is constructed of wood, metal or other substantial material: and(c) from which neither offensive of noxious emissions nor matter from those bodily remains or body parts will escape.Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 24(1) Depth of burial requirements  | Subject to sub-regulations (2) and (3), if humans 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 the requirements listed under this regulation is met.Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 24(3) Depth of burial requirements  | A cemetery trust must ensure that an internment to which sub-regulation (2) applies is carried out in accordance with that sub-regulation.Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 25 Requirements for interment in concrete-lined graves | If human remains other than cremated human remains are interred in a place of internment 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.Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 26 Requirements for enclosure of bodily remains and body parts. | A person must not bring bodily remains or body parts to be cremated into a public cemetery or convey those bodily remains or body parts within a public cemetery, unless those bodily remains or body parts are enclosed in a coffin, container or receptacle (as per the requirements under this regulation).Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 32 Construction of mausolea. | A cemetery trust or a person who establishes or alters under Part 7 of the Act a place of interment that is a mausoleum must ensure that the mausoleum -(a) is designed, constructed and maintained for a service life of at least 100 years; and(b) is constructed of stone or similar durable material; and(c) is adequately ventilated, drained and is vermin proof; and(d) contains crypt spaces which are adequately ventilated and drained and vermin proof.Penalty: 20 penalty units | $3,698.40 | $3,846.20 |
| 33(1) Interment in mausolea  | A cemetery trust or a person who inters bodily remains or body parts in a mausoleum in a public cemetery must ensure that the bodily remains or body parts are interred in a coffin, container or receptacle - (as per the requirements under this regulation).Penalty: 10 penalty units |  $1,849.20 | $1923.10 |
| 33(2) Interment in mausolea  | A person who inters bodily remains or body parts in a mausoleum in a public cemetery must ensure that the bodily remains or body parts are interred - (as per the requirements under this regulation).Penalty: 10 penalty points |  $1,849.20  | $1923.10 |
| 34 Sealing of crypt space in mausolea. | A cemetery trust or a person who inters bodily remains or body parts in a mausoleum in a public cemetery must ensure that as soon as possible after the interment, the opening of the crypt space -(a) is sealed with a slab of impervious material to prevent the escape of offensive or noxious emissions or matter; and(b) is faced with a substantial slab of stone, slate or iron.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| 35 Commercial activities | A person must not, in a public cemetery, initiate unsolicited contact with another person for the purpose of promotion or marketing of the supply of goods or services relating to the interment, cremation or memorialisation of the dead.Penalty: 20 penalty units | $3,698.40 | $3,846.20 |
| 36(1) Information to purchasers of monuments | 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 sub-regulation (2) that alternative vendors or suppliers of monuments exist.Penalty: 10 penalty units |  $1,849.20 | $1923.10 |
| 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.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| 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 | $1,849.20 | $1923.10 |
| 39 Danger to person or property | A person in a public cemetery must not act in a manner that is likely to cause danger to any person or property.Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 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 | $1,849.20 | $1923.10 |
| 41(1) Offence to fish or bathe in a public cemetery (except as per activities specified under this regulation). | A person, other than a person specified in subregulation (2), must not fish, swim or bathe in any waters in a public cemetery without the prior written approval of the cemetery trust.Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 42(1) Offence to hunt in a public cemetery (except as per activities specified under this regulation). | A person, other than a person specified in subregulation (2), must not hunt or set up snares, traps or poisons in a public cemetery without the prior written approval of the cemetery trust.Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 43 Offence to camp in a public cemetery | A person must not camp in a public cemetery without the prior written approval of the cemetery trust.Penalty: 10 penalty units |  $1,849.20 | $1923.10 |
| 44(1) Offence to remove items from a place of interment in a public cemetery | A person, other that a person specified in sub-regulation (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 | $1,849.20 | $1923.10 |
| 45(1) Offence to damage plants in a public cemetery | A person, other that a person specified in sub-regulation (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 |  $1,849.20  | $1923.10 |
| 47(1) Ceremonial use of fire in a public cemetery | A person, other that a person specified in sub-regulation (2), must not light a fire in a public cemetery. Penalty: 10 penalty units |  $1,849.20 | $1923.10 |
| 47(3) Ceremonial use of fire in a public cemetery | 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 |  $1,849.20  | $1923.10 |
| 48(1) Use of vehicles in a public cemetery | A person in a public cemetery must not drive, ride or otherwise use a vehicle so as to impede- (a) the operations or work of the cemetery trust responsible for that cemetery; or (b) a funeral.Penalty: 10 penalty units | $1,849.20 | $1923.10 |
| 48(2) Use of vehicles in a public cemetery  | 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 |  $1,849.20 | $1923.10 |
| 49(1) Use of vehicles in public cemeteries contrary to signs  | A person in a public cemetery must not drive, ride or otherwise use a vehicle in a manner contrary to any direction given by the cemetery trust responsible for that cemetery, including any direction indicated by a sign authorised by the cemetery trust.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| 49(2) Use of vehicles in public cemeteries contrary to signs | A person in a public cemetery must not park a vehicle in a manner contrary to any direction given by the cemetery trust responsible for that cemetery, including any direction indicated by a sign authorised by the cemetery trust.Penalty: 10 penalty units |  $1,849.20 | $1923.10 |
| Schedule 2 - Model Rules - 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.Penalty: 10 penalty units |  $1,849.20 | $1923.10 |
| Schedule 2 - Model Rules – 15(1) 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.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| Schedule 2 - Model Rules - 15(2) 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 dispose of any excrement produced by that dog or other animal.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| Schedule 2 - Model Rules - 15(3) Control of animals in a cemetery  | A person who brings a dog or, in accordance with rule 14, any other animal into a cemetery must prevent the dog or other animal - (a) drinking from or entering into any water feature in the cemetery; (b) from causing a disturbance or annoyance to any other person in the cemetery.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| Schedule 2 - Model Rules - 16(1) Offence to build within a cemetery | Subject to sub-rule (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.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| Schedule 2 - Model Rules - 17(1) Offence to damage cemetery trust property | A person, other than a person specified in sub-rule (2), must not disturb or demolish any cemetery trust property, including buildings, structures, fences or roads without the prior written approval of the cemetery trust.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| Schedule 2 - Model Rules - 18(1) Offence to dig or plant | A person, other that a person specified in sub-rule (2), must not dig or plant anything in a cemetery without the prior written approval of the cemetery trust.Penalty: 10 penalty units |  $1,849.20  | $1923.10 |
| Schedule 2 - Model Rules - 19 Obstruction of the exercise of the powers or functions of a cemetery trust | A person must not obstruct any member, officer, employee, delegate or agent of a cemetery trust in the exercise of the powers or functions of that member, officer, employee, delegate or agent.Penalty: 10 penalty units | $1,849.20 | $1923.10 |

Please note that the above are all court ordered penalties.

|  |
| --- |
| To receive this document in another format, phone 1800 034 280, using the National Relay Service 13 36 77 if required, or email the Cemetery Sector Governance Support Unit <cemeteries@health.vic.gov.au>.Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Department of Health, September 2023.Available at [Fees, Charges and Penalties Subject to Automatic Indexation (health.vic.gov.au)](https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation) <https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation> |