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| Cemeteries and Crematoria Regulations 2025 |
| Fact sheet for cemetery trusts |
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# Overview

The Cemeteries and Crematoria Regulations 2025 (2025 Regulations) have been made under section 180 of the *Cemeteries and Crematoria Act 2003* (Act). They commence on 16 June 2025.

The 2025 Regulations prescribe matters for the care, protection and management of public cemeteries and crematoria by cemetery trusts. They include forms for applications relating to interments, cremations and exhumations, and set out Model Rules to control behaviours and activities within public cemeteries.

To download the current version of the Regulations, visit: <https://www.legislation.vic.gov.au> <https://www.legislation.vic.gov.au/>.

# What’s new in the 2025 Regulations?

The 2025 Regulations remake the 2015 Regulations with targeted changes to improve their clarity and useability and to address issues that were identified by stakeholders through extensive consultation. The amendments are intended to resolve ambiguities, update terminology, increase privacy protection, formalise current industry practices, clarify regulatory requirements and powers of cemetery trusts to address unsafe or inappropriate behaviours or activities within public cemeteries, and ensure the Regulations properly reflect community expectations.

The substantive changes adopted in the 2025 Regulations are summarised below and detailed in [Appendix A](#_Appendix_A:_Detailed).

## Administrative/clarifying amendments

* **Definitions** have been added to regulation 5 and the Model Rules:
  + *Sealed cap*, which is defined in a way that excludes crushed rock as a suitable material.
  + *Container reference number*,which will be used for the disposal of multiple body parts.
  + *Nearest surviving relative,* which now uses gender-neutral terms.
  + *Animal,* which is defined to exclude ‘assistance animals’ so they are not subject to certain restrictions.
* **Bodily remains, body parts, foetal remains** – to improve clarity, requirements for different types of human remains are now outlined in separate regulations for prescribed information and applications for interment or cremation, with separate designated forms.
* **Structural changes** – cemetery trusts’ powers, along with requirements related to interments, cremations and funerals, are now consolidated in the Regulations. Penalty offences and restrictions on activities conducted inside cemeteries are now consolidated in the Model Rules.

## Prescribed information, forms and persons

* **Personal information** about living people is better protected by changes to the prescribed information for cemetery trust records, which must be disclosed under section 60 of the Act. For example, *full address* has been replaced by *suburb, town or city* so that trusts are no longer compelled to give out the full address of the deceased, the right of interment holder, or the person who collects cremated remains if someone requests this information under section 60. Trusts may only share the data listed in ‘Part 2 – Cemetery trust records’ (regulations 6-20). They cannot share any other information they collect, such as the full address of the deceased (which is still collected in the forms for operational purposes only).
* **Operational information** in relation tointerments, cremations and exhumations continues to be collected through the forms, which are now more consistent and fit for purpose. Each of the 11 forms has a clear, single purpose to make it easier to know which form to use for different types of human remains and disposal methods. Information collected in the forms is retained and used by cemetery trusts for operational purposes only and cannot be shared. It is different from the prescribed information in cemetery trusts records that must be shared upon request under section 60.
* **Prescribed persons** have been added to streamline application processes for the interment and cremation of body parts and foetal remains, which require prescribed information from a prescribed person under section 151(2) of the Act. Prescribed persons added to regulation 21 include an authorised representative of a tissue bank, the Victorian Institute of Forensic Medicine, and in the case of foetal remains, the person who was pregnant with the foetus. The prescribed information that must be supplied by the prescribed person is set out in regulations 24, 25, 28, 29 and 31. This information is needed specifically for the purposes of making applications to inter or cremate body parts and foetal remains and it cannot be shared. It is different from the prescribed information in cemetery trust records that must be shared upon request under section 60.

## Technical and operational amendments

* **Labelling of coffins, containers and receptacles** is now required for interments and cremations of bodily remains and body parts in public cemeteries. Labels must display the name of the person or an identifier or container reference number if the person’s identity is unknown or if the container holds body parts from multiple people. This amendment formalises common practice and is intended to help the cemetery trusts with identification checks upon arrival at the cemetery and in subsequent exhumations.
* **Soil depth** between a sealed cap and ground level has been reduced from 500 millimetres to 400 millimetres. This will enable cemetery trusts to accommodate multiple interments more easily while maintaining safety requirements. This is a minimum depth only – trusts may use a greater depth at their discretion. The soil depth in an unsealed grave is unchanged at 750 millimetres.

## Conduct and activities in cemeteries

* **Restrictions on activities** have been retained, clarified or enhanced in the regulations and Model Rules. The restrictions apply to memorialisation on or around places of interment, use of fire and vehicles, entry and control of animals, causing a disturbance, decorating and damaging plants, digging and constructing, and engaging in activities like sport, swimming, bathing, hunting and camping. Trusts may still give directions about how a funeral is conducted or about the adornment of places of interment. A person who is given a direction by a cemetery trust is required to comply under the Regulations.
* **Removal powers** have been retained that allow trusts to remove objects or things that are non-compliant, dangerous, in poor condition, or extend beyond the boundary of places of interment. In addition, regulation 56(3)(d) explicitly allows trusts to remove items *that may cause danger to any person or property*.
* **Policies for approval of activities** may now be published or displayed by a cemetery trust under regulation 48 and Model Rule 4 to give broad permission for activities that are otherwise prohibited unless a person seeks prior written approval from the trust. If a trust considers certain activities may be safely conducted in their cemetery without causing undue disturbance, it may publish general ‘pre-approval’ in a policy for these activities to occur. A trust may also approve activities with conditions or limitations – for example, that specific adornment practices or sporting activities may be permitted at certain times, or in designated areas, or for specified durations. These policies will improve efficiency for trusts and bring transparency and certainty for the public about what is permitted in the cemetery.

# Implementing the 2025 Regulations

## What cemetery trusts should do

There are some actions that cemetery trusts can begin immediately to implement the new Regulations. These include the following:

**Understand what’s changed**

* Carefully read [Appendix A](#_Appendix_A:_Detailed) for more detail about which regulations have been amended. The Appendix contains alert symbols wherever there is key information or recommended action you should take.

**Create policies to approve certain activities**

* Consider each regulation and Model Rule where there is discretion for trusts to ‘pre-approve’ via published policies any activities that are prohibited unless a person seeks prior written approval. These are:
  + Regulation 57 – Use of fire in a public cemetery
  + Regulation 58(2) – Use of vehicles in a public cemetery
  + Model Rule 5 – Approval to place certain objects, things or items on memorial or place of interment
  + Model Rule 7 – Objects, things or items must remain within boundaries
  + Model Rule 8 – Works on memorials, places of interment and buildings for ceremonies
  + Model Rule 9 – Entry of animals into a cemetery
  + Model Rule 10 – Control of animals in a cemetery
  + Model Rule 11 – Offences relating to constructing or digging in a cemetery
  + Model Rule 12 – Offence to disturb or demolish cemetery trust property
  + Model Rule 13 – Offence relating to plants in a cemetery
  + Model Rule 15 – Offence to play sport in a cemetery
  + Model Rule 16 – Offence to fish, swim or bathe in a cemetery
  + Model Rule 17 – Offence to hunt in a cemetery
  + Model Rule 18 – Offence to camp in a cemetery
* If you identify any activities may be conducted safely and without causing unreasonable disturbance in your cemetery, you should develop a policy that lists these approved activities, along with any modifications or conditions to suit your circumstances. For example, your policy might permit:
  + smoking ceremonies, incense, candles and joss sticks to be lit at any time in any part of the cemetery (noting that fire bans must still be complied with)
  + decorations or temporary constructions that extend beyond a place of interment (e.g. on a lawn) in designated parts of the cemetery or at specific times of year for defined periods
  + certain sports or games to occur in designated areas or at specified times
  + entry of specified animals at any time (e.g. horses) or release of certain animals during a funeral (e.g. doves or butterflies).
* Once you have created your policy, publish it on your website (if you have one) and/or put up signage in prominent areas of the cemetery to make your policy clearly visible to the public. Your policy must be made available upon request if someone asks to see it.
* Your policy should also clearly explain your processes for dealing with any breaches. For example, if visitors do not abide by your adornment policy, you should outline how you will remove, store or dispose of items or notify the public about your intentions and timeframes for removing items.
* If you do not broadly ‘pre-approve’ activities through a published policy, the prohibitions in the regulations and Model will apply by default. You do not have to create a policy if you are satisfied with the prohibitions as they stand. Individuals may still apply to the trust for prior approval to undertake an activity, and a trust may continue to issue written approvals on a case-by-case basis.

**Use the new forms**

* Start using the templates for the 11 new forms, which can be downloaded from the [Cemeteries and crematoria website](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria) <https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria>.
* Contact the department at [cemeteries@health.vic.gov.au](mailto:cemeteries@health.vic.gov.au) to discuss implementation timeframes if you need time to update your systems to accommodate changes to the data fields. You may continue to use the 2015 forms during the transition.

**Understand the new requirements for trust records**

* It is important to understand the changes to the prescribed information for cemetery trust records to ensure you do not share protected information if someone makes a request under section 60 of the Act. Only the information specified in regulations 6-20 may be disclosed. Additional information collected in the forms may not be disclosed.

**Maintain compliance with unchanged requirements**

* Continue to comply with all obligations on cemetery trusts that have been remade in the same form. For example, requirements relating to the sealing of graves; the construction and sealing of mausolea; the release and disposal of cremated remains; the provision of information about alternative suppliers of certain memorial products; and the display of cemetery opening hours.
* Continue to support the public and the funeral sector to meet requirements in the Regulations that have been remade in the same form. For example, the enclosure of human remains in a coffin, container or receptacle suitable for interment or cremation and the prohibitions on unsolicited commercial activities, conducting a funeral without prior trust approval, causing a disturbance or danger to person or property, and the unauthorised removal of items from places of interment.

## Contact us

For further information about the 2025 Regulations, contact the department’s [Legislative and Regulatory Reform Team](mailto:legandregreform@health.vic.gov.au) at <legandregreform@health.vic.gov.au>.

# Appendix A: Detailed changes and what you need to know

Table 1: Regulations

| Regulations | Changes | What you need to know |
| --- | --- | --- |
| **5 – Definitions**  This regulation defines key terms used throughout the Regulations, Forms and Model Rules. | Amendments:   * ‘Nearest surviving relative’ is now defined with non-gendered terms – e.g. ‘child’instead of ‘son or daughter’*.*   New definitions added:   * ‘Container reference number’ means a unique reference given to a container holding body parts belonging to more than one individual. * ‘Sealed cap’ means a substantial layer of concrete or similar solid material that is installed over a coffin, container, receptacle or human remains to seal the place of interment. | * ‘Container reference number’ will be used when organisations like schools of anatomy and tissue banks apply to cremate multiple body parts in a container that has been assigned a reference number (rather than labelled with the names of the people to whom the body parts belonged, or individual identifiers for each body part within the container if the names are not known). * ‘Sealed cap’ is used to simplify several regulations relating to interments, and clarifies that solid material must be used for sealing purposes.   Warning with solid fillCrushed rock is not a suitable material for a sealed cap. |
| **6-11 –** **Prescribed information for cemetery trust records – Interments**  These regulations list the prescribed information that cemetery trusts must keep in relation to interments.  For clarity, there are now separate regulations for the interment of:   * bodily remains * body parts * foetal remains * cremated bodily remains * cremated body parts * cremated foetal remains. | Amendments:   * ‘Last permanent address of the deceased’ has been changed to the ‘suburb, town or city of the last permanent address of the deceased person’. * ‘Type of place of interment’ has been broadened and updated to reflect current or emerging practices. For example:   + ‘Memorial rose’ is replaced with the broader term ‘memorial plant’.   + ‘Garden bed, lawn or plot’ has been added to cover common areas where interments (which includes scattering) of cremated remains may take place. * ‘Location of the place of interment’ has been updated to reflect current or emerging practices. For example:   + ‘Other geographical locator’ replaces ‘unique identifier’ to cover modern geopositioning/geolocation techniques.   New requirements:   * Whether the person is an identified veteran. * Deleted requirements: * Number of interments the place of interment has been excavated to accommodate.   NOTE: This is still recorded under regulation 12 ‘Places of interment’ where it is more relevant. | Under section 59 of the Act, cemetery trusts are required to keep records containing prescribed information. This information must be made available to any person upon request for historical or genealogical purposes under section 60.  The amendments to the prescribed information about the deceased’s address mean that trusts are now only required to disclose the suburb, town or city of that address. They are no longer required to give out the full address of the deceased. This change will protect living people who are still at that address, such as a spouse or children.  NOTE: The full address of the deceased will still be collected in the forms so that trusts have all the information they need for operational purposes. The key difference is that they are no longer required to disclose the full address to other people under section 60 of the Act.  Warning with solid fillIf a person asks you for information about interments from the trust records, you can only give out the information that is specified in regulations 6-11. You cannot give out other information that you collect in the forms (e.g. the full address of the deceased) or give out copies of the forms unless all non-prescribed information has been redacted. |
| **12 – Prescribed information for cemetery trust records – Places of interment**  This regulation lists the prescribed information that cemetery trust must keep in relation to places of interment. | Amendments:   * ‘Type of place of interment’ includes examples that reflect current or emerging practices. For example:   + ‘Memorial rose’ is replaced with the broader term ‘memorial plant’.   + ‘Garden bed, lawn or plot’ has been added to cover common areas where interments (which includes scattering) of cremated remains may take place. * ‘Location of the place of interment’ includes examples that reflect current or emerging practices. For example:   + ‘Other geographical locator’ replaces ‘unique identifier’ to cover modern geopositioning/geolocation techniques.   New requirements:   * If known, the number of exhumations or removals of human remains that have taken place in the place of interment. | The Regulations now include more examples of types of places of interment and locations of places of interment. These examples more clearly describe common areas where cremated remains may be interred or scattered, such as garden beds, lawns or plots.  The intent of the regulation is that trusts keep accurate records of every place where bodily remains and body parts are interred and where cremated remains (ashes) are interred or scattered.  Trusts are also required to record the number of exhumations or removals of bodily remains, body parts or cremated remains from each place of interment, so that there is a complete historical record for each plot and a means to determine how many remains are in a place of interment at any time. |
| **13-15 –** **Prescribed information for cemetery trust records – Cremations**  These regulations list the prescribed information that cemetery trusts must keep in relation to cremations.  For clarity, there are now separate regulations for the cremation of:   * bodily remains * body parts * foetal remains. | Amended requirements:   * ‘Last permanent address of the deceased’ has been changed to ‘the suburb, town or city of the last permanent address of the deceased person’.   Deleted requirements:   * If cremated remains are removed from a cemetery, the ‘full name, address and contact number of the person who removed them’has been deleted from the prescribed information. | As discussed in regulations 6-11, the amendments to the address requirements are intended to protect the private information of still living people. As also noted above, the forms will still allow trusts to collect the full address of the deceased for operational purposes, but now they are no longer required to disclose the full address to any person under section 60 of the Act.  Similarly, the privacy of a person who collects cremated remains is also protected by removing the requirement for trusts to keep and disclose their full address under section 60 of the Act. Again, trusts can still collect the full address in the forms for operational purposes, but they cannot disclose it.  Warning with solid fillIf a person asks you for information about cremations from the trust records, you can only give out the information that is specified in regulations 13-15. You cannot give out other information that you collect in the forms (e.g. name and address of the person who collects the remains) or give out copies of the forms unless all non-prescribed information has been redacted. |
| **16 – Prescribed information for cemetery trust records – Rights of interment**  For efficiency, four 2015 regulations have been incorporated into one regulation that covers:   * rights of interment * transfer of rights of interment * surrendered rights of interment (including forced surrender) * cancelled rights of interment. | Amended requirements:   * ‘Full name, address and contact number for the holder of the right’ has been changed to the ‘full name of the holder of the right’.   New requirements:   * If the right of interment has been varied under Division 2A of Part 6 of the Act, the details and date of the variation. * If the right of interment has been subject to variation or forced surrender under Division 2A of Part 6 of the Act, a copy of the notification of the Secretary provided under section 84F(2)(d) of the Act.   NOTE: These new requirements reflect the changes made to the Act in 2021, when new provisions were added for the variation or forced surrender of a right interment in certain circumstances (for example, where a holder of a right of interment has been convicted of an indictable offence).[[1]](#footnote-2) | As discussed above, the new Regulations are intended to protect the private information of living people, so only the full name of the right of interment holder has been retained in the prescribed information. Again, trusts can still collect the address and contact numbers of the right holders in the forms for operational purposes, but they cannot disclose these details under section 60 of the Act.  Warning with solid fillIf a person asks you for information about a right of interment holder from the trust records, you can only give out their name. You cannot give out their address or contact number. |
| **17-20 – Prescribed information for cemetery trust records – Interment and cremation where an identifier or container reference number assigned**  These regulations list the prescribed information that cemetery trusts must keep in relation to interments and cremations when the remains are disposed of under an identifier or a container reference number rather than by name.  For clarity, there are now separate regulations grouped within their own division for:   * Cremation of bodily remains with an identifier * Cremation of body parts (including foetal remains) with a container reference number * Interment of cremated bodily remains with an identifier * Interment of cremated of body parts (including foetal remains) with a container reference number | New and amended requirements:   * Where bodily remains with an identifier are cremated, and those cremated remains are interred, the regulations require the identifier assigned to those remains to be recorded in trust records. * Where multiple body parts (including foetal remains) with individual identifiers are cremated, and those cremated remains are interred, the regulations no longer require the trust to record every identifier assigned to every body part. Instead, the reference number on the container that holds all the body parts is the only information that needs to be recorded. * Where the regulations previously required that the full name and address of the applicant be recorded, now the name of the body corporate (i.e. organisation) is the only information that must be included in the trusts records, not the names of individual people. | Warning with solid fillThe cremation and interment of bodily remains with an identifier, and body parts with a container reference number, is only relevant to a small and specific group of stakeholders, such as schools of anatomy, tissue banks and the Victorian Institute of Forensic Medicine (VIFM). The applications will only be received by cemetery trusts that operate a crematorium, with a small number of funeral directors involved in the disposal arrangements. These provisions are therefore not relevant for most Class B cemetery trusts, the public and most funeral directors.  Because of the specialised nature of these types of disposals of human remains, the regulations have been separated into their own division, with their own specific requirements.  As discussed above, prescribed information relating to interments and cremations must be made available on request to any person for historical or genealogical purposes under section 60 of the Act. Regulations 17-20 have therefore been amended so that personal information about living people (e.g. their address) does not have to be disclosed.  Warning with solid fillSchools of anatomy, tissue banks and VIFM are responsible for maintaining their own records relating to bodily remains and body parts – e.g. complete and accurate data about the provenance, names (if known), and individual identifiers assigned to each body part. For the purposes of organising cremations and the interment of cremated remains, it is not necessary for the trusts to record and maintain this detailed information. Identifiers, container reference numbers, and a description of the contents are sufficient for the trusts to keep. |
| **21 – Prescribed persons – application for interment and cremation of body parts**  This regulation lists the persons or classes persons who are required to provide prescribed information for applications to inter or cremate body parts (including foetal remains) under section 151(2) of the Act.  Prescribed persons are involved in applications where:   * individual people seek to inter or cremate body parts (including foetal remains), typically belonging to them or their family * organisations seek to cremate multiple body parts (including foetal remains) in a container assigned a container reference number.   NOTE: The existing prescribed persons are:   * the prescribed persons in section 151(3) of the Act:   + a registered medical practitioner who treated the person to whom the body part belonged; or   + a registered medical practitioner of the hospital where the person to whom the body part belonged was treated * the prescribed persons that have been carried over from regulation 21B of the 2015 Regulations:   + a person appointed as an inspector of a school of anatomy under section 36 of the *Human Tissue Act 1982*   + a person having the control and management of a school of anatomy the conduct of which is authorised under section 35 of the *Human Tissue Act 1982* (the head of the school of anatomy)   + the Secretary. | New prescribed persons have been added:   * An authorised representative of a tissue bank prescribed under section 39A(1) of the Human Tissue Act 1982. * The Victorian Institute of Forensic Medicine established under section 64 of the *Victorian Institute of Forensic Medicine Act 1985.* * In the case of foetal remains that are not a still-born child, the person who was pregnant with the foetus. | The amendments are intended to streamline processes for the organisations discussed in regulations 17-20 above when they dispose of multiple body parts with a container reference number.  The amendments are also intended to simplify application processes and minimise further distress for families who want to inter or cremate foetal remains by permitting the person who was pregnant with the foetus to make the application themselves rather than requiring a registered medical practitioner to make the application. |
| **22-33 – Applications for interment and cremation authorisations**  These regulations cover applications to:   * inter bodily remains (Form 1) * inter other than in a public cemetery (these applications go to the Secretary, not to cemetery trusts) (Form 2) * inter body parts (Form 3) * inter foetal remains (Form 4) * cremate bodily remains (Form 5), accompanied by a certificate of a registered medical practitioner (Form 6) * cremate body parts (Form 7) * cremate foetal remains (Form 8) * cremate bodily remains with an identifier (Form 9) * cremate body parts (including foetal remains) with a container reference number (Form 10) * obtain an exhumation licence (these applications go to the Secretary, not to cemetery trusts (Form 11). | * Additional application processes are defined to reflect the distinctions made throughout the new Regulations between types of human remains and different disposal methods. These are matched with new forms. * The prescribed information that must be provided by a prescribed person for the purposes of making some applications under the Act is largely unchanged. | For improved clarity and consistency across the Regulations, the subject matter and sequencing of applications provisions mirror the subject matter and sequencing of prescribed information provisions (regulations 6-20) – i.e. there are separate provisions for bodily remains, body parts, foetal remains, bodily remains with identifiers and body parts with container reference numbers, and interment and cremation are separated.  Some sections of the Act allow forms to be prescribed for application processes. These are specified in regulations 22, 23, 26, 27, 30 and 33, which align with forms 1, 2, 5, 6, 9 and 11.  Other sections of the Act do not allow for forms to be prescribed but instead require prescribed persons to provide prescribed information when making certain applications. These include regulations 24, 25, 28, 29 and 31, which align with forms 3, 4, 7, 8 and 10. Use of these forms is strongly recommended as they will ensure the prescribed information is captured correctly and that the trusts receive essential operational information.  In the new application processes and corresponding forms have been added so that the purpose of each form is much clearer and the content is fit for purpose. |
| **34-35 – Interment – coffins, containers and receptacles**  These regulations describe requirements for:   * bodily remains and body parts to be enclosed in a coffin, container or receptable that is clean and hygienic and constructed of substantial material to prevent offensive or noxious emissions. * labelling on coffins, containers and receptacles. | New requirement:   * A person who brings bodily remains or body parts to be interred into a public cemetery, or conveys those bodily remains or body parts within a public cemetery, must ensure that the coffin, container or receptacle enclosing the bodily remains or body parts is conspicuously labelled with—   + the full name of the deceased or person to whom the body parts belonged; or   + an identifier; or   + a container reference number. | New regulation 35 formalises what has been confirmed as current practice by stakeholders for labelling coffins, containers and receptacles. It is intended to assist cemetery trusts in the identification process upon arrival at the cemetery, particularly for the larger cemeteries where multiple interments may occur each day.  Labelling of coffins will also assist identification if future exhumations take place.  There is no penalty offence for non-compliance, but any person bringing a coffin, container or receptacle into the cemetery has an obligation to meet the labelling requirements.  Warning with solid fillTrusts should check that coffins, containers and receptacles are clearly labelled and let funeral directors know about this new requirement if they have not complied. |
| **36 – Depth of burial requirements**  This regulation sets out requirements for soil depths in places of interment in situations where there is a sealed cap and where there is no sealed cap.  **37 – Requirements for interment in concrete-lined graves**  This regulation requires concrete-lined graves to be sealed with a sealed cap as soon as practicable after interment. | Amendments:   * The new defined term ‘sealed cap’ simplifies the previous wording in regulations 36 and 37 to describe the layer that is placed over bodily remains or body parts in a place of interment. * The required depth of soil between a sealed cap and ground level has been reduced from a minimum of 500 millimetres to 400 millimetres in regulation 36. | Warning with solid fillApplying the new definition of *sealed cap* (see regulation 5 above) means that the seal must be a substantial layer of concrete or similar solid material that is installed over a coffin, container, receptacle or human remains to seal the place of interment. This definition rules out crushed rock as it is not ‘solid material’ and is considered unsuitable for sealing purposes by the majority of cemeteries trusts who provided feedback on this topic.  The reduced soil depth in sealed graves is intended to assist trusts to accommodate multiple interments and larger coffins within a place of interment. Consultation and research has produced no evidence that the reduced depth poses a safety risk if there is a sealed cap.  Warning with solid fillThere is no obligation to reduce the depth to 400 millimetres – this is a *minimum* depth that trusts may choose to exceed.  There has been no change to the depth of soil required in unsealed graves. It remains a minimum of 750 millimetres. This reflects concerns from many cemetery trusts about vermin, erosion and noxious emissions. |
| **38-40 – Mausolea**  These regulations set out requirements for:   * the design, construction and maintenance of mausoleum facilities * adequate ventilation, drainage and vermin proofing of mausoleum facilities and crypt spaces * interment of bodily remains or parts in a suitable coffin, container or receptacle that is labelled * the sealing and facing of crypt spaces. | Amendments:   * The regulations relating to mausolea have been relocated to Part 4 – Interment. * The existing offence penalty related to the construction of mausolea has been split two sub-provisions:   + a penalty for cemetery trusts who establish a mausoleum facility   + a penalty for a person who establishes or alters a mausoleum facility.   NOTE: The specific requirements are unchanged.  New requirements:   * A cemetery trust or a person who inters bodily remains or body parts in a mausoleum in a public cemetery must ensure that the coffin, container or receptacle enclosing the bodily remains or body parts is conspicuously labelled with the full name of the deceased person or person to whom the body parts belonged. | The technical requirements relating to mausolea have not changed.  As discussed above in regulation 35, the new labelling requirement for coffins is intended to assist cemetery trusts in the identification process upon arrival at the cemetery, particularly for the larger cemeteries where multiple interments may occur each day.  It is not a penalty offence, but any person bringing a coffin, container or receptacle into the cemetery has an obligation to meet the labelling requirements.  Warning with solid fillTrusts should check that coffins, containers and receptacles are clearly labelled and let funeral directors know about this new requirement if they have not complied. |
| **41-47 – Cremation – coffins, containers and receptacles; collection and disposal of cremated remains**  These regulations describe requirements for:   * bodily remains and body parts to be enclosed in a coffin, container or receptable that is clean and hygienic and constructed of combustible material that will not damage the cremator or cause noxious emissions * labelling on coffins, containers and receptacles * inspection of coffins, containers and receptables for contents that could impede the cremation process or damage the cremator * removal of fittings that may impede cremation * disposal of non-human substances after cremation * release of cremated human remains * collection and disposal of cremated human remains. | New requirements:   * A person who brings bodily remains or body parts to be cremated into a public cemetery, or conveys those bodily remains or body parts within a public cemetery, must ensure that the coffin, container or receptacle enclosing the bodily remains or body parts is conspicuously labelled with—   + the full name of the deceased or person to whom the body parts belonged; or   + an identifier; or   + a container reference number.   Amended requirements:   * The options for dealing with uncollected cremated human remains have been rephrased for consistency and clarity by specifying that a cemetery trust may:   + inter the remains in the grounds of a public cemetery for which it is responsible; or   + dispose of the remains in any other manner that it considers appropriate. | The technical requirements relating to cremation have not changed.  As discussed above in regulation 35, the new labelling requirement for coffins is intended to assist cemetery trusts in the identification process upon arrival at the cemetery, particularly for the larger cemeteries where multiple interments may occur each day.  It is not a penalty offence, but any person bringing a coffin, container or receptacle into the cemetery has an obligation to meet the labelling requirements.  Warning with solid fillTrusts should check that coffins, containers and receptacles are clearly labelled and let funeral directors know about this new requirement if they have not complied.  The requirements related to the interment or disposal of uncollected cremated remains are substantively the same. There are no new or additional requirements for trusts. |
| **48 - Written approval of cemetery trust for certain activities**  This regulation allows a cemetery trust to approve certain activities in public cemeteries that are otherwise prohibited in other regulations in Part 6 – Management of public cemeteries (formerly titled ‘Behaviour and activities in public cemeteries’).  The activities that are by default prohibited under Part 6, but which may be approved by cemetery trusts under regulation 48, include:   * the lighting or use of fire (regulation 57) * the use of a vehicle on any surface other than a road, track or parking area (regulation 58(2)). | The previous provision allowing cemetery trusts to give written approval for certain activities has been carried over into the new Regulations and improved as follows:   * Approvals may now be given for a ‘class of persons’, not just to an individual person. * Approvals for a class of persons must be made available on request by any person and either—   + if the cemetery trust maintains a website, published on that website; or   + prominently displayed within the cemetery. | Amendments have been made so that trusts can pre-emptively permit activities to be conducted in full, or with conditions, by the general public or by specified groups of people (e.g. funeral directors, Aboriginal elders) via general polices published on their websites or in signage. This is intended to streamline current processes that require trusts to give prior written permission for activities on a case-by-case basis to individual people upon request.  Via general policies, trusts will have flexibility to restrict or permit certain activities as may be appropriate for that cemetery. For example, a cemetery trust could publish a policy that generally permits:   * fire to be lit by the public or specified groups of people in specific areas of the cemetery, or under specific conditions, or during specific times, for cultural practices like smoking ceremonies or the ceremonial use of incense, candles or joss sticks during funerals. In the absence of a published policy or signage that approves or sets conditions for these activities, they are prohibited by default under regulation 57 unless an individual seeks prior written approval. * certain types of vehicles to drive off the roads in specified circumstances. In the absence of a published policy or signage giving permission or setting conditions for these activities, they are prohibited by default under regulation 58(2) unless an individual seeks prior written approval.   Published or publicly displayed policies about the use of fire and the use of vehicles within the cemetery will provide transparency and certainty for families and visitors about what is permitted and reduce the likelihood that distressing situations will arise if cemetery trusts have to enforce restrictions after the behaviour has occurred.  Warning with solid fillTrusts now have greater flexibility and discretion to permit activities related to the use of fire and the use of vehicles within their cemeteries. Trusts are encouraged to develop policies to suit their individual circumstances and publish these policies on their website or put up signage in the cemetery grounds. |
| **50 – Information to purchasers of memorials**  This regulation requires cemetery trusts to inform purchasers of certain types of memorials – either verbally or in writing – that alternative vendors and suppliers exist and that their details may be found in the telephone directory and on the Internet. | Amended requirements:   * The term ‘monument’ in the 2015 Regulations has been replaced with the term ‘memorial’ in the new Regulations. * The previous carve-out ‘does not include a beam, a plaque or any structure other than a headstone to which a plaque is attached’ has been changed to ‘structures provided and maintained by the cemetery trust and memorial plants’. | The amendment addresses a conflict between the definition of ‘memorial’ in the Act and the definition of ‘headstone’ as a type of ‘monument’ in the 2015 Regulations. Noting that changes to definitions in the Act were out of scope of the review of the Regulations, replacing ‘monument’ with ‘memorial’ resolves the terminology misalignment.  Warning with solid fillThe amendment intends to clarify and maintain the 2015 requirements with no substantive change to the types of products that are in and out of scope. The carve-out of ‘structures provided and maintained by the cemetery trust’ means that large structures like niche walls and mausolea are excluded. Similarly, foundational infrastructure is excluded (e.g. beams), as well as granite desks, ledgers and surrounds if the trust typically installs these for reasons of uniformity, safety or protection of other cemetery assets (e.g. trees).  While trusts are required to inform purchasers that alternative suppliers exist for the memorials that are within scope (e.g. headstones and plaques), they do not need to provide the names or contact details of these suppliers under this regulation.  Further, under section 98 of the Act, a person must seek approval from the cemetery to establish a memorial in a place of interment within a public cemetery, which would include any memorials purchased from other vendors. Under section 99, cemetery trusts have powers to approve or refuse applications to establish a memorial for safety reasons (i.e. if it would be ‘unsafe, dangerous or not of a sufficiently permanent nature’); for aesthetic reasons (i.e. if the memorial would be ‘incompatible with the general nature and standard of surrounding memorials or would not be sufficiently in keeping with the nature and character of the public cemetery’); for non-compliance with model rules or prescribed requirements; or for any other reason the cemetery trust thinks fit. |
| **52-53 – Funerals**  These regulations:   * prohibit a person from arranging or conducting funeral in a public cemetery without prior approval of the cemetery trust * require a person to comply with any direction from a cemetery trust regarding the manner in which a funeral is conducted. | Previous Model Rule 6 – Funerals has been relocated into the Regulations next to previous regulation 37 – Funerals. | For clarity, these requirements have been located together. There are no changes to the content of these regulations. |
| **56 – Removal of objects, things and items from places of interment and memorials**  This regulation:   * requires a person to comply with any directions given by a cemetery trust regarding objects or things affixed to, or placed on or around, places of interment and memorials * allows cemetery trusts to remove objects or things that are non-compliant, dangerous, in poor condition or extend beyond the boundary (unless approved by the trust) and dispose of these objects in a manner considered appropriate by the trust * prohibits persons other than cemetery trust employees, agents, contractors and authorised volunteers from removing any object or thing. | This regulation combines:   * previous regulation 44 – Offence to remove items from a place of interment or memorial in a public cemetery * previous Model Rule 7 – Directions of cemetery trust * previous Model Rule 11 – Power to remove objects.   Existing powers for cemetery trusts to remove certain items have been supplemented with additional powers allowing cemetery trusts to remove any object or thing:   * placed on a place of interment or memorial in contravention of a direction given by a cemetery trust * that may cause danger to any person or property. | Cemetery trusts continue to have the power to give a direction to a person regarding the objects, things or items affixed to, or placed on or around, places of interment and memorials. Even though there is no penalty offence for non-compliance, a person receiving a direction is required to comply under the Regulations. These powers and compliance obligations have not changed.  Cemetery trusts continue to have the power to remove dead flowers, items in poor condition, items that extend over the boundary (unless approved by the trust), or items that do not comply with the Act, Regulations or Model Rules. These powers have not changed.  However, as discussed below in relation to Model Rules 4, 5 and 7, cemetery trusts will now have greater flexibility to broadly permit, via their own policies, any memorialisation and adornment practices that they consider suitable for their cemeteries – for example, in specified circumstances, a trust may permit items to extend over boundaries.  Warning with solid fillIn the new Regulations, cemetery trusts now have explicit powers to remove objects and items from places of interment if they contravene a direction given by the cemetery trust or if those items may cause danger to any person or property.  As also discussed below, cemetery trusts are expected to outline their notification and disposal methods in their policies.  The trust’s policies should also describe its own processes for storing, returning or disposing of any removed items. |
| **57 – Use of fire in a public cemetery**  This regulation prohibits lighting fire, using fire or leaving fire unattended without prior trust approval or in contravention of any Act or fire ban declarations. | Amended and new requirements:   * A person, other than a person specified in subregulation (2), must not light or use fire in a public cemetery without the prior approval of the cemetery trust in accordance with regulation 48.   NOTE: The persons specified in subregulation (2) are the same as in the 2015 Regulations.   * A person who uses fire in a public cemetery in association with ceremonies for the interment, cremation or commemoration of the dead must not, without the prior approval of the cemetery trust in accordance with regulation 48, leave that fire unattended. * Nothing in these Regulations permits the lighting or use of fire—   + in an area that is subject to a declaration of a day or partial day of total fire ban under the *Country Fire Authority Act 1958*; or   + in contravention of any Act. | The 2015 Regulations listed specific items used ceremonially, such as candles, lanterns, incense, joss sticks or similar. For greater cultural inclusivity and to avoid unintentionally excluding ceremonial practices that use fire (e.g. smoking ceremonies), the 2025 Regulations use the term ‘fire’ as it is broad enough to encompass all forms of fire, flame or smoke used for ceremonial or other purposes.  The 2015 Regulations did not set any prohibitions on *lighting* or *using* fire; they only prohibited people from *leaving unattended* candles, lanterns incense, joss sticks or similar.  For improved fire risk management, the 2025 Regulations now require prior trust approval before any fire can be *lit* or *used*.  However, as discussed in regulation 48 above, trusts may permit, through general policies, certain forms of fire they consider appropriate for the fire risk profile of their cemetery.  Warning with solid fillTrusts are encouraged to develop general policies for use of fire in their cemetery – e.g. permitting fire to be lit in designated areas under certain conditions or during specific times for cultural practices like smoking ceremonies or the ceremonial use of incense, candles or joss sticks during funerals. In the absence of a published policy permitting these activities, they are prohibited by default unless a person seeks prior approval.  Any broad approvals for fire made in trust policies are subject to the new provisions in the Regulations that prohibit fire in contravention of any other Act or fire ban declaration. |
| **58 – Use of vehicles in a public cemetery**  This regulation prohibits using a vehicle:   * so as to impede cemetery trust operations or a funeral * on any surface other than a road, track or parking area without approval * contrary to any cemetery trust direction or signage unless authorised to do so. | This regulation combines previous regulations 48 and 49.  Amended requirements:   * The prohibition on driving, riding or otherwise using a vehicle ‘so as to impede the operations or work of the cemetery trust or a funeral’ has been clarified to include ‘a funeral procession’. * The prohibition on driving, riding or otherwise using a vehicle on any surface other than a road, track or parking area without the prior approval of the cemetery trust now specifies that the approval is ‘in accordance with regulation 48’. * The prohibition on parking, driving, riding or otherwise using a vehicle ‘in a manner contrary to any direction given by the cemetery trust, including a direction indicated by a sign’ has been amended to exclude ‘specified persons’, namely the cemetery trust, its employees, agents or contractors, and volunteers or other authorised people. * The definition of ‘vehicle’ has been relocated from regulation 5 to regulation 58 and clarified to exclude:   + a wheelchair or other device designed or used for the conveyance of a person with mobility difficulties; or   + a pram, stroller or other device designed or used for the conveyance of children. | The 2015 Regulations’ prohibitions on vehicle use are substantively the same in the 2025 Regulations.  However, as discussed in regulation 48 above, a trust may, through its policies, allow vehicles to go on surfaces other than roads, tracks or parking areas if considered appropriate in that cemetery. Publishing policies or putting up signage means that a person would not have to apply in advance for individual approval from the trust to use vehicles in parts of the cemetery that would be off-limits under this regulation.  Warning with solid fillTrusts are encouraged to develop general policies if vehicles can be safely used outside of roads, tracks and parking areas at certain times or in specified places withing that cemetery. Trusts should publish these policies on their website or display them in signage within the cemetery grounds.  To remove all doubt, the new regulation clarifies that mobility aids and equipment for transporting children are out of scope of these prohibitions. |
| **59 – Opening hours**  This regulation requires a cemetery trust to prominently display the cemetery’s opening hours if it is not open to the public at all times. | Amendments:   * Previous Model Rule 5 has been relocated to regulation 59. * The regulation is no longer limited to ‘hours during which pedestrian access is available to the cemetery’. It now refers more broadly to ‘hours during which the public can access the cemetery’.   Deleted requirements:   * A cemetery trust must notify the Secretary of—   + the hours during which pedestrian access is available to the cemetery; and   + any changes to those hours. | Warning with solid fillThe regulation has been expanded to all forms of public access, not just pedestrian access, meaning that signage is also required if vehicle access is limited at certain times.  However, trusts are no longer required to notify the Secretary about their opening hours or changes to their opening hours. |

Table 2: Model Rules

| Model Rules | Changes | What you need to know |
| --- | --- | --- |
| **Rule 3 – Definitions**  This rule defines key terms used in the Model Rules. | A new definition has been added:   * ‘animal’ does not include an assistance animal within the meaning of section 9(2) of the *Disability Discrimination Act 1992* of the Commonwealth. | The definition of ‘animal’ is relevant to rules 9 and 10, as discussed below.  Section 9(2) of the *Disability Discrimination Act 1992* of the Commonwealth states:  For the purposes of this Act, an assistance animal is a dog or other animal:   * accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or * accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or * trained:   + to assist a person with a disability to alleviate the effect of the disability; and   + to meet standards of hygiene and behaviour that are appropriate for an animal in a public place. |
| **4 – Cemetery trust may approve certain activities**  This rule allows a cemetery trust to approve certain activities in public cemeteries that are otherwise prohibited under the Model Rules.  The rules that by default prohibit certain activities unless they are approved by cemetery trusts under rule 4 are: 5, 7, 8, 9, 10(1), 11, 12, 13, 15, 16, 17 and 18.  These are discussed in detail below. | The previous rule allowing cemetery trusts to give written approval for certain activities has been carried over into the new Model Rules and improved as follows:   * Approvals may now be given for a ‘class of persons’, not just to an individual person. * Approvals for a class of persons must be made available on request by any person and either—   + if the cemetery trust maintains a website, published on that website; or   + prominently displayed within the cemetery. | Amendments have been made so that trusts can pre-emptively permit activities to be conducted in full, or with conditions, by the general public or by specified groups of people (e.g. funeral directors, Aboriginal elders) via general polices published on their websites or in signage. This is intended to streamline current processes that require trusts to give prior written permission for activities on a case-by-case basis to individual people upon request.  Via general policies, trusts will have flexibility to restrict or permit certain activities as may be appropriate for that cemetery. For example, a cemetery trust could publish a policy that generally permits:   * certain types of ceramic or glass ornaments on places of interment * certain types of objects that extend beyond the boundary of places of interment * certain types of animals to enter the cemetery or to be unrestrained in the cemetery * certain types of plants to be planted in designated areas of the cemetery * certain sports to be played in designated areas of the cemetery * fishing, swimming, hunting or camping in designated areas of the cemetery.   Published or publicly displayed policies about these activities will provide transparency and certainty for families and visitors about what is permitted and reduce the likelihood that distressing situations will arise if cemetery trusts have to enforce restrictions after the behaviour has occurred.  Warning with solid fillTrusts now have greater flexibility and discretion to permit activities otherwise prohibited under the Model Rules. Trusts are encouraged to develop policies to suit their individual circumstances and publish these policies on their website or put up signage in the cemetery grounds. |
| **Rule 5 – Approval to place certain items on memorial or place of interment**  This rule prohibits a person from placing on a memorial or place of interment ceramic or glass items that are fragile or breakable or metal items that are likely to rust or deteriorate unless they have prior approval under Rule 4.  **Rule 6 –** **Objects, things or items likely to cause harm**  This rule prohibits a person from placing any object, thing or item likely to cause a risk to health or safety on a memorial or place of interment.  **Rule 7 – Objects, things or items must remain within boundaries**  This rule requires a person to ensure items do not extend beyond the boundaries of the memorial or place of interment unless they have prior approval under Rule 4. | Amendments:   * The term ‘item’ has been changed to ‘object, thing or item’. * Rule 7 now allows a person to breach the rule if they have approval from the trust under Rule 4. | Under the 2015 Regulations, trusts could give approvals to individuals to place ceramic, glass or metal items on places of interment. Under the 2025 Regulations, trusts now have the flexibility to create general policies that permit these items without needing to issue individual approvals. Trusts can use discretion in their policies to permit all types of glass, ceramic or metal items or to limit the permission to specified items made from these materials. Trusts can determine which items are safe and suitable for their cemetery.  Similarly, trusts can now give individual permission upon request, or general permission via their policies, for items to extend over boundaries if appropriate in their cemetery. For example, trust policies could permit specified adornment items to extend beyond the boundary of a place of interment in designated sections of the cemetery, or at specific times of year, or for defined periods of time, if this can be done without causing undue disturbance or safety risks to trust operations or the public.  The same flexibility does not extend to Rule 6 – i.e. trusts cannot permit individually or through their policies the placement of any items that are likely to cause a health and safety risk.  Warning with solid fillTrusts that can safely accommodate certain glass, ceramic or metal items, or items that extend over boundaries, are encouraged to develop policies to suit their individual circumstances and publish these policies on their website or put up signage in the cemetery grounds.  As discussed above in Regulation 56, trusts have powers to give directions about items on places of interment, and powers to remove items if they breach the Act, Regulations, Model Rules or the trust’s directions. Trusts may dispose of removed items as they see fit.  Warning with solid fillTrusts are encouraged to publish policies that clearly describe adornment items and practices that are permitted, or permitted with conditions. These polices should also explain the trust’s approach to removing and storing items and notifying the public. |
| **Rules 9-10 – Entry and control of animals in a cemetery**  These regulations:   * prohibit the entry of animals other than dogs and assistance animals into a cemetery without prior approval of the cemetery trust * require animals to be leashed or restrained and under effective control unless approved by the trust * require a person who brings an animal into the cemetery to dispose of its excrement * prohibit an animal brought into a cemetery from drinking or entering any water feature or causing disturbance or damage to people, flora and fauna. | Amendments:   * Assistance animals are no longer prohibited from entry without trust approval. * The rules now apply to the entry of dogs, assistance animals and other approved animals for any reason into a cemetery, not just ‘for the purpose of recreation, visiting a place of interment or attendance at a funeral ceremony’. * Dogs, assistance animals and all other approved animals must be ‘leashed or otherwise suitably restrained or contained’, and ‘under the effective control of the person’, unless approved by the trust. * Dogs and other animals must not cause damage to flora or disturbance or endangerment to fauna. | As discussed in Rule 3 above, ‘animal’ has been defined so as to exclude ‘assistance animals’, which means they can now be brought into a cemetery without prior trust approval (as well as dogs, which also do not need prior trust approval before entry).  The rules now apply regardless of the reasons or circumstances for bringing a dog, assistance animal or other animal into the cemetery. For example, the rules would apply if animals are brought in for pest control purposes.  By default, all dogs must now be on a leash, and all other approved animals similarly restrained and under control unless approved by the trust. For example, the trust could approve pest control animals being off-leash or may permit butterflies or birds to be released during a funeral.  Warning with solid fillTrusts should develop policies for the entry and control of animals that suit their circumstances. For example, a trust could broadly permit the release of butterflies or birds during funeral services, or the entry of horses for recreational purposes or for funeral processions, without needing to issue individual written approvals.  Under the 2015 Regulations, it was an offence to prevent a dog or animal from causing a disturbance or annoyance to any other person in the cemetery. This has not changed. However, it is now an offence for an animal to damage flora and disturb or endanger fauna. |
| **Rule 11 – Offences relating to constructing or digging in a cemetery**  This regulation prohibits people from:   * constructing or erecting any building, structure, enclosure or fence, whether permanent or temporary in a cemetery * digging or excavating any trench, pit or hole whether permanent or temporary in a cemetery   unless they are a ‘specified person’, or authorised to do so under the Act, or have approval from the cemetery trust.  **Rule 12 – Offence to disturb or demolish cemetery trust property**  This rule prohibits people from disturbing or demolishing any cemetery trust property, including buildings, structures, fences or roads without the prior approval of the cemetery trust. | This rule combines previous Rule 16 – Offence to build within a cemetery, with elements of previous Rule 18 – Offence to dig or plant.  Amended requirements:   * The prohibition on ‘constructing or erecting any building, structure, enclosure or fence’ now applies ‘whether permanent or temporary’.   New requirements:   * A person must not dig or excavate any trench, pit or hole, whether permanent or temporary’ in a cemetery—   + without the prior approval of the cemetery trust in accordance with rule 4; or   + unless authorised to do so under the Act. | The restriction on building now applies regardless of whether the construction is permanent or temporary. This means that temporary structures, for example, erected on or around places of interment, are in breach of the Regulations unless approved by the trust.  Similarly, digging or excavating, whether temporary or permanent, is prohibited unless approved by the trust.  The prohibition on disturbing or demolishing cemetery trust property without trust approval has not changed.  Rules 11 and 12 still permit these activities to be undertaken by a ‘specified person’ without prior trust approval. Specified persons include the cemetery trust, its employee, agents or contractors, and volunteers or other authorised persons. This has not changed.  As noted in Rule 4 above, trusts now have the flexibility to generally permit building, digging or demolition through their published policies, with or without conditions. For example, a trust could permit some forms of temporary constructions around places of interment to accommodate memorial practices of different cultural groups, or at specified times of year, or for specified periods.  Warning with solid fillTrusts are encouraged to develop and publish policies setting out permitted forms of construction, excavation or demolition (if any) that may be safely accommodated in their cemetery without causing disturbance or operational risks. |
| **Rule 13 – Offence relating to plants in a cemetery**  This rule prohibits people from planting, removing, picking, pruning, decorating or damaging any plant, flower, shrub or tree in a cemetery unless they are a ‘specified person’ or have approval from the cemetery trust. | This rule combines:   * previous regulation 45 - Offence to damage plants in a public cemetery * previous rule 18 – Offence to dig or plant.   Amended requirements:   * A person, other than a person specified in subrule (2), must not plant, remove, pick, prune, decorate or damage any plant, flower, shrub or tree in a cemetery without the prior approval of the cemetery trust in accordance with rule 4. | Rule 12 continues the existing prohibitions on planting, removing, picking and damaging any plant, flower, shrub or tree. These have not changed.  In addition, Rule 12 now prohibits pruning and decorating any plant, flower, shrub or tree.  This rule still permits these activities to be undertaken by a ‘specified person’ without prior trust approval. Specified persons include the cemetery trust, its employee, agents or contractors, and volunteers or other authorised persons. This has not changed.  As noted in Rule 4 above, trusts now have the flexibility to generally permit some of these activities through their published policies, with or without conditions. For example, a trust could permit some forms of temporary adornment of trees around places of interment to accommodate memorial practices of different cultural groups, or at specified times of year, or for specified periods.  Warning with solid fillTrusts are encouraged to develop and publish policies setting out permitted forms of planting, removing, picking, pruning and decorating of plants, flowers, shrubs or trees (if any) that may be safely accommodated in their cemetery without causing disturbance or operational risks. |
| **Rule 14 –** **Obstruction of the exercise of the powers or functions of a cemetery trust**  This rule prohibits a person from obstructing a 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. | No change. | This rule continues to prohibit obstruction of the cemetery trust’s powers or functions. This has not changed.  Warning with solid fillRule 14 is not included as one of the rules that may be permitted under Rule 4. There are no circumstances where a trust can give individual permission upon request, or general permission via their policies, for a person to obstruct the trust’s operations. |
| **Rule 15 – Offence to play sport in a cemetery**  This rule prohibits a person from engaging in a sport or playing a game involving physical activity in a cemetery without prior trust approval.  **Rule 16 – Offence to fish, swim or bathe in a cemetery**  This rule prohibits a person, other than a ‘specified person’, from fishing, swimming or bathing in a cemetery without prior trust approval.  **Rule 17 – Offence to hunt in a cemetery**  This rule prohibits a person, other than a ‘specified person’, from hunting in a cemetery without prior trust approval.  **Rule 18 – Offence to camp in a cemetery**  This rule prohibits a person from camping in a in a cemetery without prior trust approval. | These prohibited activities have been relocated from the 2015 Regulations into the 2025 Model Rules:   * Regulation 40 – Offence to play sport in a cemetery * Regulation 41 – Offence to fish or bathe in a cemetery * Regulation 42 – Offence to hunt in a cemetery * Regulation 43 – Offence to camp in a cemetery   Amended requirements:   * Rule 16 now prohibits fishing, swimming or bathing ‘in a body of water in a cemetery’. | The prohibitions on playing sport, hunting and camping are the same as they were in the 2015 Regulations. They have not changed.  The prohibition on fishing, swimming or bathing now only applies if these activities are conducted ‘in a body of water in a cemetery’, so as to exclude cultural practices that involve ceremonial washing or bathing using a tap, basin or small pool which are generally accommodated by cemetery trusts. The prohibition is intended to prohibit only recreational swimming, bathing and fishing unless approved by the trust.  Rules 16 still permits a ‘specified person’ to fish, swim and bath, and rule 17 still permits a ‘specified person’ to hunt or set up snares, traps or poisons. Specified persons include the cemetery trust, its employee, agents or contractors, and volunteers or other authorised persons. This has not changed.  As noted in Rule 4 above, trusts now have the flexibility to generally permit some of these activities through their published policies, with or without conditions. For example, a trust could permit:   * group sporting activities, such as running groups or horse-riding at all times or at specified times * family ball sports in designated areas of the cemetery * children’s water play areas * recreational fishing or yabbying in a dam during specified hours or times of year.   Warning with solid fillTrusts are encouraged to develop and publish policies setting out permitted forms of sport, swimming, bathing, fishing, hunting and camping (if any) that may be safely accommodated in their cemetery without causing disturbance or operational risks. |

Table 3: Forms

| Forms | Changes | What you need to know |
| --- | --- | --- |
| **Form 1 – Application for interment authorisation – bodily remains**  This form is prescribed under section 116(2) of the Act.  A member of the public (or a funeral director acting on behalf of the applicant) submits this form to a cemetery trust to apply to inter bodily remains in that cemetery. | Form 1 is substantively the same as the 2015 form, with some minor changes:   * Elements rearranged to group related information. For example, the funeral director’s contact details are located with the information they would typically provide, such as coffin dimensions and materials. * Additional checkbox options replacing a binary response like ‘male/female’ or ‘yes/no’. For example, ‘other’, ‘don’t know/prefer not to say’. * New checkbox options to capture funeral service details:   + Funeral service at a venue within the cemetery prior to interment   + Funeral service at a location outside the cemetery prior to arrival at the cemetery for interment   + Funeral service at the interment site   + No attendance at interment. * New examples as prompts for completing fields, such as:   + ‘Location of place of interment’ now includes ‘other geographical locator’   + ‘Special requirements for the interment’ now includes ‘witness backfill, shoring, out of coffin burial with backboard only’. * New questions, such as:   + Was the deceased person an identified veteran   + Applicant’s relationship to the deceased   + Right of interment holder’s relationship to the deceased * Clarification of requirements. For example:   + Names and consents of all right of interment holders if there is more than one.   + A checklist of accompanying documents. | Form 1 will still be one of the most used forms. The changes to Form 1 are minor and based directly on feedback from cemetery trusts, ensuring the form captures accurate and operationally relevant information.  A fillable Word template of Form 1 can be downloaded from the website for immediate use.  Some trusts may need more time to migrate to the new form if their internal systems require updates to accommodate changes to data fields. These trusts may continue to use the 2015 forms while they update their systems.[[2]](#footnote-3)  Warning with solid fillTrusts should contact the department to discuss their transition timeframes if they cannot implement the new form straightaway. |
| **Form 2 – Application for interment approval – interment other than in a public cemetery**  This form is prescribed under section 121(2) of the Act.  A member of the public submits this form to the Secretary to apply to inter bodily remains in a private cemetery. | There are no substantive changes. | Warning with solid fillForm 2 is not relevant for Class A and Class B cemetery trusts.  The Secretary receives this form directly from members of the public who wish to inter bodily remains somewhere other than a public cemetery.  A member of the public submits this form to the department’s Permits and Licensing team at: [statutoryapprovals.cemeteries@health.vic.gov.au](mailto:statutoryapprovals.cemeteries@health.vic.gov.au) |
| **Form 3 – Application for interment authority – body parts (excluding foetal remains)**  This form may be used for the purposes of section 151(1) of the Act.  A member of the public (or a funeral director acting on behalf of the applicant) submits this form to a cemetery trust to apply to inter body parts in that cemetery. | This is a new form.  It has been prescribed to fill a gap in the 2015 Regulations. | Form 3 is intended for the rare circumstance in which a person applies to a cemetery trust to inter body parts.  Possible scenarios include:   * A person wishes to inter their own body part, such as an amputated limb, in a place of interment they have pre-purchased. After their death, the rest of their remains will join the body part in the place of interment. * The family of a deceased person wishes to reunite body parts that have been held by the Coroner with the deceased’s remains that have already been interred.   Warning with solid fillForm 3 is not likely to be used often, but trusts should direct families and funeral directors to use it in the rare situation where someone wishes to inter body parts.  NOTE: This form is not intended for entities like schools of anatomy, tissue banks, hospitals, museums or the that want to dispose of body parts of unknown name/origin or from multiple people. See Form 10. |
| **Form 4 – Application for interment authority – foetal remains which are not a still-born child**  This form may be used for the purposes of section 151(1) of the Act.  A member of the public (or a funeral director acting on behalf of the applicant) submits this form to a cemetery trust to apply to inter foetal remains in that cemetery. | This is a new form.  It has been prescribed to fill a gap in the 2015 Regulations. | Form 4 is intended for the rare circumstance in which a person applies to a cemetery trust to inter foetal remains.  It is supported by the amendments to ‘prescribed persons’ discussed above in regulation 21, which now include ‘the person who was pregnant with the foetus’.  This will allow the person who was pregnant with the foetus to directly apply to inter the foetal remains in a public cemetery without needing a registered medical practitioner to apply on their behalf.  The person who was pregnant with the foetus may wish to inter the foetal remains in their own pre-purchased place of interment, or in a designated common area in the cemetery.  Warning with solid fillForm 3 is not likely to be used often, but trusts should direct families and funeral directors to use it if someone wishes to inter foetal remains.  NOTE: This form is not intended for entities like schools of anatomy, tissue banks, hospitals or museums that want to dispose of foetal remains of unknown name/origin or multiple sets foetal remains. See Form 10. |
| **Form 5 – Application for cremation authorisation – bodily remains**  This form is prescribed under section 131(2) of the Act.  A member of the public (or a funeral director acting on behalf of the applicant) submits this form to a cemetery trust to apply to cremate bodily remains in that cemetery. | Form 5 replaces Form 3 in the 2015 Regulations. It is substantively the same with some minor changes:   * Similar changes as in Form 1, including:   + elements rearranged so that related information is grouped more logically   + additional checkbox options such as ‘other’ and ‘don’t know/prefer not to say’   + questions about the applicant’s relationship to the deceased and whether the deceased is an identified veteran   + checkbox options to capture funeral service details and cultural requirements post-cremation (e.g. bone sort). * New question added to collect information about coffin dimensions and materials. * Checkbox options clarified for the disposal of cremated remains:   + Interred at (specify cemetery)   + Collected by:     - Funeral director     - Applicant     - Applicant’s agent     - Held at crematorium for up to 12 months   + Other (e.g. to be posted, urgent collection within 24 hours) * The options relating to the removal of pacemakers or battery-powered devices have been updated to reflect current practice (i.e. not all crematoria require all types of pacemaker to be removed). * A checklist of accompanying documents has been added. | New Form 5 will still be one of the most used forms. The changes to Form 5 are minor and based directly on feedback from cemetery trusts, ensuring the form captures accurate and operationally relevant information.  A fillable Word template of Form 5 can be downloaded from the website for immediate use.  Some trusts may need more time to migrate to the new form if their internal systems require updates to accommodate changes to data fields. These trusts may continue to use the 2015 forms while they update their systems.[[3]](#footnote-4)  Warning with solid fillTrusts should contact the department to discuss their transition timeframes if they cannot implement the new form straightaway. |
| **Form 6 – Certificate of registered medical practitioner authorising cremation**  This form is prescribed under section 131(3) of the Act.  A registered medical practitioner completes this form to accompany a Form 5 application to a cemetery trust to cremate bodily remains in that cemetery. | Form 6 replaces Form 4 in the 2015 Regulations. It is substantively the same with only minor changes to the layout. | There are no substantive changes to the content of this form. |
| **Form 7 – Application for cremation authority – body parts (excluding foetal remains)**  This form may be used for the purposes of section 151(1) of the Act.  A member of the public (or a funeral director acting on behalf of the applicant) submits this form to a cemetery trust to apply to cremate body parts in that cemetery. | This is a new form.  It has been prescribed to fill a gap in the 2015 Regulations. | Form 7 is intended for the rare circumstance in which a person applies to a cemetery trust to cremate body parts.  Possible scenarios include:   * A person wishes to cremate their own body part, such as an amputated limb (and retain, inter or otherwise dispose of the ashes). * The family of a deceased person wishes to cremate body parts that have been held by the Coroner (and retain, re-unite, inter or otherwise dispose of the ashes).   Warning with solid fillForm 3 is not likely to be used often, but trusts should direct families and funeral directors to use it in the rare situation where someone wishes to inter body parts.  NOTE: This form is not intended for entities like schools of anatomy, tissue banks, hospitals or museums that want to dispose of body parts of unknown name/origin or from multiple people. See Form 10. |
| **Form 8 – Application for cremation authority – foetal remains which are not a still-born child**  This form may be used for the purposes of section 151(1) of the Act.  A member of the public (or a funeral director acting on behalf of the applicant) submits this form to a cemetery trust to apply to cremate foetal remains in that cemetery. | This is a new form.  It has been prescribed to fill a gap in the 2015 Regulations. | Form 8 is intended for the rare circumstance in which a person applies to a cemetery trust to cremate foetal remains.  It is supported by the amendments to ‘prescribed persons’ discussed above in regulation 21, which now include ‘the person who was pregnant with the foetus’.  This will allow the person who was pregnant with the foetus to directly apply to cremate the foetal remains in a public cemetery without needing a registered medical practitioner to apply on their behalf.  The person who was pregnant with the foetus may then wish to retain, inter or otherwise dispose of the ashes.  Warning with solid fillForm 3 is not likely to be used often, but trusts should direct families and funeral directors to use it if someone wishes to cremate foetal remains.  NOTE: This form is not intended for organisations like schools of anatomy, tissue banks, hospitals or museums that want to cremate foetal remains of unknown name/origin or multiple sets of foetal remains. See Form 10. |
| **Form 9 – Application for cremation authorisation – bodily remains with an identifier**  This form is prescribed under section 131(2) of the Act.  An organisation (or a funeral director acting on their behalf) submits this form to a cemetery trust to apply to cremate bodily remains with an identifier in that cemetery. | Form 9 replaces Form 3A in the 2015 Regulations.   * The form has been simplified to require contact details only for:   + The applicant (being an entity like a school of anatomy, university, tissue bank, museum or VIFM).   + The funeral director (if any). * The options for disposal of the cremated remains have been clarified. * The options relating to the removal of pacemakers or battery-powered devices have been updated to reflect current practice (i.e. not all crematoria require all types of pacemaker to be removed). | Form 9 is intended for the rare circumstance in which an entity applies to a cemetery trust to cremate bodily remains with an identifier. This is typically when the name of the deceased is unknown.  Possible scenarios include:   * A school of anatomy wishes to cremate a body donor cadaver received from overseas, for which only an identifier is available. * VIFM wishes to cremate an unidentified body released for disposal by the Coroner. * A museum wishes to cremate an historical skeleton of a person whose name is unknown.   A limited range of entities will use this form, such as schools of anatomy, hospitals, museums, tissue banks and VIFM, sometimes with the assistance of a funeral director.  The applications will only be received by Class A cemetery trusts. This form is therefore not relevant for Class B cemetery trusts, the public and most funeral directors.  Warning with solid fillThis form must always be accompanied by an approval from the Secretary for the cremation of bodily remains under section 134 of the Act. This has not changed.  Entities are responsible for maintaining their own records relating to bodily remains – e.g. complete and accurate data about their provenance. For the purposes of organising cremations, it is not necessary for the trusts to record and maintain this detailed information. Identifiers and a description of the contents are sufficient. |
| **Form 10 – Application for cremation authority – body parts with an identifier or container reference number**  This form may be used for the purposes of section 151(1) of the Act.  A body corporate / entity (or a funeral director acting on their behalf) submits this form to a cemetery trust to apply to cremate body parts with an identifier or container reference number in that cemetery. | Form 10 replaces Form 3B in the 2015 Regulations.   * The form has been simplified to require contact details only for:   + The applicant (being an entity like a school of anatomy, university, tissue bank, museum or VIFM).   + The funeral director (if any). * The options for disposal of the cremated remains have been clarified. * The options relating to the removal of pacemakers or battery-powered devices have been updated to reflect current practice (i.e. not all crematoria require all types of pacemaker to be removed). | Form 10 is intended for the rare circumstance in which an entity applies to a cemetery trust to cremate body parts (including foetal remains) from multiple people with an identifier or container reference number.  Possible scenarios include:   * A museum or school of anatomy wishes to cremate historic specimens from multiple people of unknown identity. * A tissue bank wishes to cremate unused body parts (e.g. heart valves) from multiple donors of known identity in a single container with a reference number. * A hospital wishes to cremate body parts from multiple people of known identity (living or deceased) in a single container with a reference number.   A limited range of entities will use this form, such as schools of anatomy, hospitals, museums, tissue banks and VIFM, sometimes with the assistance of a funeral director.  The applications will only be received by Class A cemetery trusts. This form is therefore not relevant for Class B cemetery trusts, the public and most funeral directors.  Warning with solid fillEntities are responsible for maintaining their own records relating to body parts – e.g. complete and accurate data about their origins and, if known, the identities of the people to whom they belonged. For the purposes of organising cremations, it is not necessary for the trusts to record and maintain this detailed information. An identifier or container reference number and a description of the contents are sufficient. |
| **Form 11 – Application to Secretary for exhumation licence**  This form is prescribed under section 156(2)(a) of the Act.  A member of the public submits this form to the Secretary to the Department of Health to apply for an exhumation licence. | Form 11 replaces Form 5 in the 2015 Regulations. The information captured in Form 11 is substantively the same, with the following changes:   * The layout has been updated to improve useability and related elements have been grouped together. * Data fields have been removed that do not directly relate to the key purpose of the form, being to request an exhumation licence from the Secretary. For example, details about memorials on the place of interment, details about the coffin, and consents from right of interment holders for the proposed place of re-interment have been removed. Only data that informs the Secretary’s decision-making about the exhumation is now collected. * Categories of ‘nearest surviving relative’ are now non-gendered – e.g. ‘child’instead of ‘son or daughter’. * Clarification that consent must be received from all right of interment holders if there is more than one. * A checklist of accompanying documents. * Separate declarations by the applicant have been replaced by checkboxes and a single signature panel. | Form 11 is completed by members of the public or a funeral director acting on their behalf. The form is submitted to the department so the Secretary can decide whether to grant an exhumation license. Warning with solid fill  Class A and Class B cemetery trusts do not receive this form directly from the applicant.  A member of the public submits this form to the department’s Permits and Licensing team at: [statutoryapprovals.cemeteries@health.vic.gov.au](mailto:statutoryapprovals.cemeteries@health.vic.gov.au) |

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| To receive this document in another format, [email the 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, June 2025.  ISBN 978-1-76131-795-8 (Online/PDF/Word)  Available at [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> |

1. For information about variation or forced surrender of a right of interment held by another person, visit the [Cemeteries and Crematoria website](https://www.health.vic.gov.au/cemeteries-and-crematoria/seeking-variation-forced-surrender-right-of-interment-held-by-another-person) <https://www.health.vic.gov.au/cemeteries-and-crematoria/seeking-variation-forced-surrender-right-of-interment-held-by-another-person>. [↑](#footnote-ref-2)
2. The department notes that the differences between the old and new forms are not substantive, meaning section 53 ‘Strict compliance with prescribed forms not necessary’ of the *Interpretation of Legislation Act 1984* is likely to apply so that the forms prescribed under the 2015 Regulations can continue to be validly used as a transitional practice while forms are updated to reflect the 2025 Regulations. [↑](#footnote-ref-3)
3. The department notes that the differences between the old and new forms are not substantive, meaning section 53 ‘Strict compliance with prescribed forms not necessary’ of the *Interpretation of Legislation Act 1984* is likely to apply so that the forms prescribed under the 2015 Regulations can continue to be validly used as a transitional practice while forms are updated to reflect the 2025 Regulations. [↑](#footnote-ref-4)