

|  |
| --- |
| Process for the cremation of bodily remains |
| OFFICIAL |

# Application for cremation authorisation for deceased persons of known identity

The applicant or someone acting on their behalf (e.g. a funeral director) ensures the following forms are completed and provided to the cemetery trust:

* Form 3 ‘Application for cremation authorisation for deceased persons of known identity’.
* Form 4 ‘Certificate of registered medical practitioner authorising cremation’. Note that the applicant or funeral director will need to arrange for a registered medical practitioner who is not the medical practitioner who signed the death certificate to complete this form.
* A notice as required under s. 37(2) of the *Births, Deaths and Marriages Registration Act 1996* (i.e. death certificate or other relevant documentation) or any other document specified under s. 131(3)(a)-(e) of the *Cemeteries and Crematoria Act 2003*.

# Consideration and approval of application

The cemetery trust must check that the person making the application has the appropriate authority to do so. If the cemetery trust is satisfied with the application, they must grant the cremation authorisation. Approval of a cremation authorisation should be confirmed in writing. An approval cannot be granted if s. 137 of the *Cemeteries and Crematoria Act 2003* applies.

The funeral director or individual arranging the funeral liaises with the cemetery trust to arrange a suitable time for the funeral service (if any).

Note that any person responsible for the conduct of a funeral must comply with any directions issued by the cemetery trust and must not initiate unsolicited contact with another person for the purpose of commercial activity.

# Cremation

The remains submitted for cremation must be suitably enclosed in a coffin, container or receptacle that complies with requirements under r. 26 of the Cemeteries and Crematoria Regulations 2015. A trust may inspect a coffin and its contents to ensure that neither will impede the cremation process or cause damage to the cremator. The cremation then takes place.

Note that it is an offence to cremate or assist in the cremation of bodily remains without a cremation authorization. This offence is punishable by a maximum penalty of 600 penalty units or five years imprisonment or both.

# What happens to the cremated remains following cremation?

The cemetery trust must make cremated remains available for collection within two working days of the cremation. Cremated remains may only be released to the applicant, the applicant’s agent or in certain circumstances the nearest surviving relative. Cemetery trusts should also update their records in relation to cremations as detailed in r. 10 of the Cemeteries and Crematoria Regulations 2015.

# Are the cremated remains to be interred?

If there is no existing right of interment for the interment of the remains, the applicant will make an application to the cemetery trust for a right of interment to inter cremated remains. The cemetery trust will issue a right of interment. Note that a right of interment to inter cremated remains may be granted in perpetuity or for a period not exceeding 25 years.

The applicant applies to cemetery trust for authority to inter cremated remains. The cemetery trust updates their records in relation to the interment of cremated remains, places of interment and rights of interment.

# Cremated remains to be held for collection

If the cremated remains are not collected the trust must hold them for at least 12 months.

If the remains are not collected within 12 months the trust may dispose of the remains provided that at least three months prior to the expiry of the 12 months they take reasonable steps to notify the applicant of the trust’s intention to dispose of the remains.

|  |
| --- |
| 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](mailto:cemeteries@health.vic.gov.au) <cemeteries@health.vic.gov.au>.  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Health, November 2021.  ISBN 978-1-76069-372-5 (pdf/online/MS word)  Available at [health.vic](https://www.health.vic.gov.au/cemeteries-and-crematoria/cremating-bodily-remains) <https://www.health.vic.gov.au/cemeteries-and-crematoria/cremating-bodily-remains> |