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# BEENAK CEMETERY

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Policy



AUGUST 23, 2024



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## Introduction

The management and operation of cemeteries and crematoria in Victoria is governed by the Cemeteries and Crematoria Act 2003 and Cemeteries and Crematoria Regulations 2015. The Cemeteries and Crematoria Regulation Unit provides support to cemetery trust members and other stakeholders to help them meet statutory obligations.

The Cemeteries and Crematoria Act 2003 (the Act) governs the operation of Victoria's cemeteries and crematoria sector. The Cemeteries and Crematoria Amendment Bill 2009 made several amendments to the Act. The Act was most recently amended in 2015.

The Cemeteries and Crematoria Regulations 2015 (the Regulations) came into operation on 27 June 2015. The Regulations are designed to:

- regulate public cemeteries and crematoria
- regulate the activities of cemetery trusts
- meet community expectations in relation to the interment, cremation and memorialisation of deceased persons.

Beenak Cemetery Trust has developed this policy document to suit the burial requirements and needs of the general community. It relates to Beenak Cemetery.

This policy should be read in conjunction with the Cemeteries and Crematoria Act 2003 and the Cemeteries and Crematoria Regulations 2015 as they may include situations that are not covered by this policy.

## Objectives

1. To provide clear guidelines surrounding the management and requirements of Beenak Cemetery
2. To provide for the effective, efficient and appropriate operation of the Beenak Cemetery
3. To ensure all activities which take place within the cemetery grounds shall comply with relevant Workcover and Work Health & Safety requirements.



## Definitions

**Cemetery trust** means a cemetery trust established under Part 2 and includes a Class A cemetery trust and a Class B cemetery trust.

**Cemetery trust fee** means a fee or charge, or scale of fees and charges set under section 39 and either -

- approved under section 40; or
- exempt under section 40A from approval under section 40.

**Cemetery trust rules** mean rules made by a cemetery trust under section 26.

**Class B cemetery trust** means a cemetery trust other than a Class A cemetery trust.

**Interment** means the interring, burial or placing of human remains in a place of interment and, in relation to cremated human remains, includes the interment of those remains, whether or not the remains are enclosed in a receptacle.

**Interment approval** means an approval granted by the Secretary under Part 8 to inter bodily remains in a place other than a public cemetery.

**Interment authorisation** means an authorisation granted by a cemetery trust under Part 8 to inter bodily remains in a public cemetery for which the cemetery trust is responsible.

**Listed Class B cemetery trust** means a Class B cemetery trust included on a list prepared by the Secretary under section 18K.

**Memorial** means a monument, tombstone, headstone, ledger, cenotaph, plaque or other method of memorialising a deceased person where that memorial is within a public cemetery.

## Cemetery Background Information

Beenak Cemetery is nestled in a picturesque valley amongst virgin bush land and other natural flora and fauna. It holds the key to the lives of the district's early settlers. It was gazetted as a cemetery on 13 December 1878.

Today, Beenak Cemetery contains over 400 designated plots, with some available land still undeveloped. Although it has progressed a long way since its first inception, the cemetery still maintains its original mystique of being a quiet, peaceful locale nestled amongst a backdrop of Australian bush; an idyllic setting where one can hear the birds sing and watch the sun set amongst the trees. Although engulfed in totally natural surroundings, Beenak Cemetery offers shelter from the cold, wintry elements, and minimal public conveniences.





## Directions

Access is off Beenak Road.

### *From Gembrook:*

- Follow the Gembrook-Launching Place Road from Gembrook for approximately 11km. This road will take you through Kurth Kiln Regional Park and Gilwell Park Scout Camp. PLEASE NOTE: some of the corners are quite sharp, and there is known to be wildlife (primarily in the form of wombats and wallabies) in this area.
- You will come to a road on your right-hand side which is sign-posted Beenak Road. The road is also sign-posted with a blue Cemetery sign and there is a boulder near the signs.
- Beenak Road is a dirt road and varies in its presentation dependent upon the time of the year and weather conditions. However, it is well graded and maintained.
- Follow Beenak Road for approximately 3.5km. Beenak Cemetery is nestled in the valley on your left-hand side.

### *From Woori Yallock:*

- Follow Warburton Highway until you see the Lusatia Park Road sign. Turn right here.
- Follow Lusatia Park Road until you reach a 'T' intersection - approximately 8km. The Hoddles Creek CFA will be on your left-hand side at this intersection.
- Turn right into Gembrook-Launching Place Road and follow it for approximately 6.5km.
- You will come to a road on your right-hand side which is sign-posted Beenak Road. The road is also sign-posted with a blue Cemetery sign and there is a boulder near the signs.
- Beenak Road is a dirt road and varies in its presentation dependent upon the time of the year and weather conditions. However, it is well graded and maintained.
- Follow Beenak Road for approximately 3.5km. Beenak Cemetery is nestled in the valley on your left-hand side.



## Cemetery Administration

- Cemetery Trustees will always conduct themselves in a respectful and responsible manner.
- Beenak Cemetery will be open to the public always, subject to temporary closures required for maintenance, public safety etc.
- Access to the Cemetery is limited to people with a legitimate reason for visiting. The Cemetery is not a public right of way. Visitors to the Cemetery are requested to be respectful and conduct themselves in a manner appropriate to the sensitivity of the location.
- The Trust will keep a register of interments including cremated remains, in which shall be entered the date of death, name, age and last known address of every person whose remains are interred in each cemetery. Registration of burials shall include the section, number and depth of the grave in which such interment has been made, by whom it has been made and the date of such interment.
- The Trust will maintain and update plans of the cemetery that will indicate the locations of each section, block, and grave site number.
- Right of Interment certificates will be issued by the Trust to all persons who pre-purchase a plot. It is the purchaser's responsibility to maintain safe keeping of these documents and ensure a nominated person (nominee) chosen by them is aware of their purchase. Should this nominee change at any time, it remains the purchaser's responsibility to ensure the new nominee is aware of the purchaser's burial details. The Trust will not maintain these contact details.
- If the purchaser changes address or contact details, it is a requirement the Trust be notified of these changes.
- At all times, the Trust will try and make contact using the last known contact details should there be a requirement to do so (e.g. grave maintenance). If we are unable to make contact due to incorrect details, the Trust reserves the right to undertake works required to ensure cemetery maintenance and safety.

## Schedule of Fees

Please see our pricing guide on the internet for current costs.



## Burials

- The Trust requires from the Funeral Director, two business days' notice prior to an interment being confirmed, to allow sufficient time for grave digging to be completed.
- No more than two coffin interments shall be conducted in the same burial site.
- The normal days for burial shall be Monday to Friday (excluding public holidays). Burials outside these days may be possible by special arrangement with the cemetery trust.
- Interment must be conducted by an approved undertaker instructed by the next of kin or executor of the estate of the deceased. The transportation, storage of bodies and burial are to be in accordance with the relevant acts and regulations in force at that time.
- Interments will not take place without prior approval by the trust. Each interment will require the presence of cemetery Trustees to prepare and complete the interment.
- All bodies for interment must be encased in a coffin/casket with the lid securely sealed.
- For natural burials, the body must be encased in a receptacle with the lid securely sealed whilst being transported from the hearse to the gravesite.
- Digging of graves shall only be undertaken by personnel as approved and engaged by the trust. The grave dimensions are a maximum of 2100mm x 650mm. If the grave required is of larger dimension, the Trust may charge an oversize fee, if the fee has been approved and gazetted.
- Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as the attendees have vacated. This will be undertaken by the Trust's chosen gravedigger.
- When a grave is opened for a second burial, the excavation shall be made to leave a layer of undisturbed earth not less than 200 mm in depth above the lid of any coffin already in the grave. The upper surface of the coffin is to be at least 1000 mm below the natural ground surface level.
- A minimum of two Trustees will attend funeral services held at Beenak, and at interments. They will not be intrusive but will remain in the distance to ensure all needs are met by those in attendance.



## Cemetery grounds

No person shall, on cemetery grounds, without the written consent of the trust:

- Sell or buy any article, carry on any trade, business or calling or promote or advertise the same by solicitation or by any other system or advertisement whatsoever
- Distribute any handbill, card or circular or other advertisement
- Disturb any funeral service at any grave by working in the cemetery
- Discharge any firearms except at a military funeral
- Cut, break or deface any of the statuary monuments, trees, shrubs, plants, seats, gates, posts or fences
- Commit any riot, breach of the peace or nuisance or otherwise offend against decency or decorum

## Entry of animals into Beenak Cemetery

In accordance with the Cemeteries and Crematoria Regulations 2015 (Schedule 2, Part 5, Rule 14), a person must not allow any animal other than a dog to enter into or remain in a cemetery without the approval of the cemetery trust.

A person who brings a dog into Beenak Cemetery for the purpose of recreation, visiting a place of interment or attendance at a funeral ceremony must always keep their dog under immediate control, dispose of any excrement, and prevent their dog from causing a disturbance or annoyance to any other person in the cemetery.

Beenak Cemetery or its trustees will not be held responsible for any injuries caused to the dog, or any injuries caused to another dog or person by that dog. These will be the responsibility of the owner of the dog.





## Pre-purchase, resale or Right of Interment buy-back

- Rights of Interment can be pre-purchased by contacting the cemetery trust. Upon purchase, the owner will receive a Right of Interment certificate along with other relevant documentation.
- The land size of a plot is 2400mm x 1200mm.
- If no longer required, Rights of Interment may be transferred to another person (e.g. a family member). For this to occur, the trust must be notified in writing from both the seller and the purchaser, and transfer of ownership will then be undertaken.
- If a Right of Interment is no longer required, the trust must be notified in writing. The Right of Surrender will be undertaken by the Trust as per the Department of Health and Human Services Scale of fees. Please contact the Trust for this information.



## Floral tributes and/or ornaments

- Floral tributes are to be placed in receptacles. The use of glass jars and containers for the display of floral or other tributes shall be kept to a minimum.
- Glass jars and containers that detract from the general appearance of the Cemetery may be removed at the trust's discretion and without notice. Aged flowers and wreaths may be removed at the trust's discretion and without notice.
- All rubbish must be removed from the cemetery grounds.

## Grave surrounds and memorials

- Grave surrounds and memorials are the responsibility of the interment right holder. Any works associated with a grave site must be approved by the trust prior to the commencement of works.
- A drawn plan or sketch, and payment of administrative fee must be received prior to the commencement of works. The trust must approve any gravesite works prior to their commencement. Failure to comply with this may result in removal of the gravesite works.
- No grave surrounds or memorial works are to be undertaken for a minimum of three months post burial to ensure appropriate settling of the area can occur.
- Only plants which, at their mature size, do not reach larger than one metre tall and one metre wide, are permitted to be planted in gravesites. This is to avoid impacting on adjacent and/or neighbouring gravesites, both above and below ground.
- Post any works undertaken, the plot and surrounding areas must be cleared of any excess material and waste.
- The size of grave surrounds must not exceed 2400mm x 1200mm. Should grave surrounds exceed the specified measurements, the Trust will attempt to contact the Interment Right Holder (or their heirs and successors). Should this not be possible or achievable, the Trust reserves the right to modify or remove the grave surrounds.



## Maintenance of gravesite surrounds and memorials

- The ownership of plaques, monuments or other structures is deemed to be with the Interment Right holder (or their heirs and successors) who caused the plaque or monument to be installed or structure to be constructed.
- The trust shall not be responsible for the upkeep, maintenance, repair etc. of any plaque, monument, plant or structure.
- The Interment Right holder is responsible for the upkeep, maintenance and repair of the gravesite.
- The trust may act to remove any structure that has become dilapidated, unsafe or unsightly.
- In the interest of public safety, the trust is permitted to refill any site that falls below ground level.
- Should plants exceed the maximum size of one metre by one metre tall or are deemed unsuitable by the Trust at any time, the Trust will attempt to contact the Interment Right Holder (or their heirs and successors). Should this not be possible or achievable, the Trust reserves the right to prune or remove plants.
- The trust will provide regular maintenance operations to the cemetery. Cremated remains
- Before the placing of cremated remains takes place, family members must advise the trust and complete an interment form, so records can be entered and kept up to date of who is interred.
- If ashes are to be buried at the cemetery, a Right of Interment must be purchased first. This may be a traditional burial plot, or a site in the Ford-Gramlick Memorial Garden which is for cremated remains only.
- No interment right is required for the scattering of cremated remains within the designated garden areas, however, ashes MUST NOT be scattered within the cemetery unless written approval has been given by the trust in advance.
- The Trust will keep a record of any scattered remains for the purposes of family history research which may be undertaken by any individual at any time.



## Ford - Gramlick Memorial Garden

The Ford-Gramlick Memorial Garden is a newly established area for the interment of ashes. It is named in memory of two of our longest serving Trustees - Kevin Ford and Ted Gramlick.

- A maximum of two interments can be undertaken in each plot.
- Plaques must be purchased through the Trust.
- No other memorial works, or planting is to be undertaken in this area.
- Plaques will be installed by Trustees.

## Record of amendments

<b>Date</b>	<b>Version</b>	<b>Author</b>
<b>24 March 2018</b>	0.01 - Initial document	C Cole-Sinclair
<b>4 May 2028</b>	0.02 - post review by Trustees	C Cole-Sinclair
<b>30 June 2021</b>	0.03 - post review by Trustees	C Cole-Sinclair
<b>23 August 2024</b>	0.04 - post review by Trustees	C Cole-Sinclair