

# Application to Establish or Alter a Memorial or Place of Interment

## Terms used in this form:

- **Monumental mason or Person conducting the works:** Stonemason, their contractors, sub-contractors, officers, agents, and employees.
- **Applicant:** Person who is making this permit application – the Holder of the Right of Interment or their authorised agent.
- **Right of Interment:** A legal entitlement to make decisions in relation to a place of interment, including (but not limited to) deciding to inter human remains, or cremated human remains, in a particular grave or cremation memorial and to arrange memorialisation.
- **Holder of the Right of Interment:** The person (or persons) who has been granted the right of interment – the person with the contractual right to make decisions in relation to the applicable place of interment (i.e. grave or cremation memorial).
- **Trust** means the applicable cemetery trust that receives this application form.

## Instructions for completing this form:

1. **Section A** must be completed by the Monumental mason/Person conducting works.
2. **Section B** must be completed by the Applicant.
3. **Section C** must be completed by the Applicant.
4. **Section D** must be completed by the Monumental mason/Person conducting works (in addition to design drawings)
5. **Section E** is a checklist to ensure that all information is provided.
6. The completed Application Form must be accompanied with **payment** of the relevant Cemetery Trust fee.
7. **Supporting documentation** must be **attached** to this Application Form.

## Important: Memorial maintenance and costs

Under the *Cemeteries and Crematoria Act 2003*, the Holder of the Right of Interment is responsible for maintaining any memorial that has been established at their place of interment in a safe and proper condition.

The Trust can issue directions in relation to the maintenance of memorials if it believes that the memorial is not in a safe and proper condition. If the Holder of the Right of Interment does not take action as requested, the Trust may take its own action. If that occurs, expenses incurred by the Trust may be recoverable from the Holder of the Right of Interment.

# Section A

to be completed by monumental  
mason/person conducting works

## Monumental mason/Person conducting works

Business name: \_\_\_\_\_ Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_ ABN: \_\_\_\_\_

... acting as agent on behalf of and (with authority of) the Holder of the Right of Interment ... is applying for approval for:  
(Tick appropriate box)

Additional inscription

Plaque - is base to be included?    Yes    No

Renovation of monument

Headstone and base

Headstone, kerb and ledger/or concrete top and chips

Chapel, kerb and ledger or concrete top and chips

Chapel, canopy, kerb and ledger

Other (specify)

**Total cemetery fee** \$ \_\_\_\_\_ (as per applicable cemetery price list)

Name of the deceased \_\_\_\_\_

Other name the deceased was known as (if applicable) \_\_\_\_\_

Name of cemetery \_\_\_\_\_

Site location \_\_\_\_\_

## Stonemason obligations

It is important that stonemasons agree to the following terms and conditions.

### Conduct work as required by the standards

I agree that I will at all times comply with: (i) any terms and conditions under which the Trust approves this application (if the application is approved); and (ii) Australian Standard AS 4204:2019 (Headstones and Cemetery Monuments) and AS 4425:1996 (Above-ground Burial Structures) and any other relevant Australian Standards (and consolidations, amendments, re-enactments or replacements of any of them), in relation to the proposed works ("Conditions of Approval").

### Conduct work as required by legislation

I agree that such works are to be carried out in accordance with the provisions of the Cemeteries and Crematoria Act 2003, *Cemeteries and Crematoria Regulations 2015*, the *Occupational Health and Safety Act 2004*, the plans and specifications attached to this application and in compliance with any directions of the Trust at no cost to the Trust, as detailed on the Trust's approval of this application (if any) or as may be advised by the Trust from time to time ("Relevant Requirements"). I agree to strictly adhere to the Relevant Requirements and the Conditions of Approval and agree to provide evidence of compliance with such matters upon request. I accept that the Cemetery Trust may cancel the approval at any time if the Relevant Requirements or the Conditions of Approval have not been complied with or if I fail to provide evidence of compliance upon request. I understand I may be asked for proof of current licences, third party and indemnity insurance.

### If the person conducting the works is not an employee of a company:

SIGNED by [FULL NAME OF INDIVIDUAL]

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Signature

Date / /

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### If the person conducting the works is an employee of a company:

SIGNED by [NAME OF AUTHORISED SIGNATORY]

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as authorised signatory for [NAME OF COMPANY]:

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Signature of authorised signatory

Date / /

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### Provide true and correct information

I acknowledge and agree that if this application is approved, the approval will be based in part on the representations I have made above regarding the proposed works' compliance with the Conditions of Approval and Relevant Requirements. I release and forever discharge the Trust from all claims, demands, actions, suits or proceedings directly or indirectly relating to, arising out of or incidental to the works, to the maximum extent permitted by law.

### Indemnity in connection with failure to comply with Conditions of Approval and Relevant Requirements

I hereby indemnify the Trust against all claims, demands, actions, suits or proceedings arising directly or indirectly from any failure, on the part of myself or my agents, subcontractors or employees, to ensure that the works comply with the Conditions of Approval and/or the Relevant Requirements.

I hereby submit this application for approval in accordance with section 98 of the *Cemeteries and Crematoria Act 2003* and agree to adhere to and be bound by both the terms and conditions contained in this application and the terms and conditions of any Trust approval:

# Section B

to be completed by the applicant

## B1: Applicant details

Name of person making this application:

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Address:

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Telephone:

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Email:

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Are you the Holder of the Right of Interment?

Yes (if Yes, complete Section B1, C1 and C3)

No (If No, complete Sections B1, B2, C1, C2 and C3)

## B2: Holder(s) of the Right of Interment details

If no, provide the details of the Holder(s) of the Right of Interment, and answer the questions.

Name:

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Address:

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Telephone:

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Email:

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Has the Holder of the Right of Interment been informed of this application?    Yes    No

If no, please provide reasons why.

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If yes, does the Holder of the Right of Interment consent to this application (written permission required)?    Yes    No\*

### Note:

#### A Statutory Declaration from the Holder(s) of the Right of Interment

(or other supporting documentation required by the Trust) must be supplied if the Applicant is not the Holder of the Right of Interment (see next page).

# Section C

## to be completed by the applicant

### C1: Declaration by the Applicant

(the person(s) named in Section B1 of this application):

I consent to the work described in this application being carried out and declare that I have read and understood this application and that the information in this application is true and correct. I understand the Trust may need to contact me directly to confirm details such as grave location or application details, and I acknowledge as the Holder of the Right of Interment, or on behalf of the Holder of the Right of Interment, the responsibility under the *Cemeteries and Crematoria Act 2003* to maintain the memorial/place of interment in a safe and proper condition once completed and to keep the Trust advised of any change in the Holder of the Right of Interment's contact details. I acknowledge and agree that submitting this application does not: (i) constitute the Trust's approval of the application, which may be refused for any reason the Trust thinks fit under the *Cemeteries and Crematoria Act 2003*; or (ii) impose any liability on the Trust in relation to the proposed works I have requested be undertaken by the party listed in Section A of this application.

I acknowledge and agree that, if this application is approved, such approval does not impose any liability on the Trust in relation to the works (including, but not limited to, any liability to ensure the works comply with the Conditions of Approval or Relevant Requirements described in Section A above) and release and forever discharge the Trust from all claims, demands, actions, suits or proceedings directly or indirectly relating to or connected with the works, to the maximum extent permitted by law.

I hereby indemnify the Trust against all claims, demands, actions, suits or proceedings arising directly or indirectly from any failure on the part of myself or my agents, subcontractors or employees, to ensure that the works comply with the Conditions of Approval and/or the Relevant Requirements or from any third-party copyright or intellectual property infringement in connection with the memorial.

I acknowledge that the Trust's approval of this application does not constitute the Trust agreeing or confirming that I have the appropriate copyright or intellectual property consents in respect of the memorial and that it is my responsibility to obtain the same (as required).

I acknowledge, warrant and declare that in submitting this application, I: (i) am the Holder of the Right of Interment in relation to the site location; or (ii) (if applicable) have the written consent of the Holder of the Right of Interment in accordance with section 98(2)(c) of the *Cemeteries and Crematoria Act 2003*. I release the Trust, including its members, employees, officers, agents and contractors, from any and all liability in connection with the information I have submitted in this application and agree to indemnify, and will keep indemnified, the Trust, including its members, employees, officers, agents and contractors, in respect of any claim, action, suit, proceeding, demand, damage, penalty, cost or expense however arising, by any person arising as a direct or indirect result of, or in connection with the information I have submitted in this application.

### C2: Supporting evidence to be supplied by the Holder of the Right of Interment

If you are the authorised agent of the Holder of the Right to Interment, you must arrange for the Holder of the Right of Interment to provide a Statutory Declaration declaring that they are the Holder of the Right of Interment and that they consent to the completed application being submitted by the Applicant. The cemetery may request additional supporting proof of Holder of the Right of Interment, where records held by the cemetery do not match the application.

#### Note:

If there is more than one Holder of the Right of Interment, the Trust requires consent of all joint holders. Statutory declarations are required from all joint holders authorising works.

**Statutory declaration is attached**      Yes      No

**Certified copy of drivers licence or passport is attached**      Yes      No  
(as proof of identity if required)

### C3: Signature of Applicant

I hereby submit this application for approval in accordance with section 98 of the *Cemeteries and Crematoria Act 2003* and agree to adhere to and be bound by both the terms and conditions contained in this application and the terms and conditions of any Trust approval.

Signature of Applicant: \_\_\_\_\_

Date / / \_\_\_\_\_

Name of Applicant: (PLEASE PRINT) \_\_\_\_\_

#### **Privacy statement**

**If you wish to receive information about memorialisation goods and services, please check this box.**

Any personal information you provide in your application will be treated in accordance with the principles set out in the *Privacy and Data Protection Act 2014*. You may request access to the information we hold about you and you may request its correction if necessary. The information you provide is required to enable us to process your application and inform you of matters concerning it. We also need the information to perform our functions, comply with our obligations and exercise our rights under the *Cemeteries and Crematoria Act 2003*. Except for the information you are required to submit under that legislation, you are not obliged to provide any personal information. However, should you choose not to provide this information, we may not be able to process your application or provide the services for which the information is required. Under the *Cemeteries and Crematoria Act 2003*, we are also required to keep records containing certain information regarding interments, cremations and rights of interment. Members of the public are entitled to access those records.

# Section D

## memorial details and plans

### Information that MUST be supplied

This application must include the following:

1. Plans that include specifications and measurements, drawn to scale and fully dimensioned as agreed between the Applicant and the Monumental mason/Person conducting the works. Scale is to be specified and descriptions must be provided in BLOCK letters in English.
2. Details of all materials used for construction of the memorial, including ornaments and attachments.
3. Details and dimensions of dowel holes and dowels, including materials to be used and fixatives, and must meet applicable Australian Standards.
4. Details and dimensions of required footings as per Australian Standard 4204 (see Appendix).
5. A copy of the inscription.
6. A translation in English in BLOCK letters if the inscription is to be in another language.
7. Photographs of the existing memorial before work starts, if the application is to add to a memorial.

A Trust may also ask for photographs of a memorial that is the same (or substantially similar) to the one in this application, to assist the application process. Technical drawings are still required.

Under section 99 of the Cemeteries and Crematoria Act, the Trust may refuse permission if it considers the work to be inappropriate, unsafe or dangerous.

### Dimensions

The following dimensions must be supplied (if applicable):

#### Overall dimensions

Height: \_\_\_\_\_ mm

Length: \_\_\_\_\_ mm (Ashlar measurements are to be included)

Width: \_\_\_\_\_ mm (Ashlar measurements are to be included)

It is important to note that the Trust may cancel the approval and/or order that the memorial/place of interment be modified, or dismantled and removed, if:

- the Applicant or Person Conducting the Works breaches or fails to comply with the Conditions of Approval or the Relevant Requirements
- the dimensions stated on the application or the memorial/place of interment as constructed do not follow rules, regulations or directions of the Trust
- the memorial/place of interment is not constructed in the exact position directed by the Trust
- monumental construction works are not completed within 12 months of the date of the approval
- the stonemason fails to provide photographic evidence to confirm the foundation/pinning work performed
- directed by the Trust as follows:

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## Memorial plans

Insert detailed plans for memorial here.



## Inscription

Insert inscription here, including translation if appropriate. Use BLOCK letters.

Inscription

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Translation

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Name of translator:

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Translator contact details:

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## Cemetery Trust fee

The relevant fee accompanying this application relates, but is not limited to, administrative costs incurred by the Trust for review, process and acceptance/rejection of this application and in undertaking audits (if any) or supervision of the person(s) conducting the works in accordance with the Trust's requirements.

## Photographic evidence is required

The person conducting the works is required to provide date-stamped photographs of their work at the following stages:

- **completion of excavation**, to show that depth meets requirements and standards; a scale measure (such as a tape measure) should be used to demonstrate depth to requirements and/or AS 4204:2019
- **dowel stage**, to show that dowels meet requirements and/or Australian Standard 4204:2019
- **final completion** to show the site has been left in an appropriate manner required by the Trust.

The Trust may also ask for additional photographic evidence of construction compliance as required.

## Audit

The Trust may conduct random audits or inspections at the site location from time to time.

# Section E

## Checklist

Cemetery Trust fee accompanies this application

Section A: **All parts** completed and signed by the Monumental mason/Person conducting works (2 pages)

Section B: **All parts** completed by the Applicant (as applicable)

Section C: Declaration completed and signed by the Applicant

Section C: Statutory Declaration provided by Holder of the Right of Interment and attached to this application (if applicable)

Section C: Certified copy of drivers licence or passport provided by Holder of the Right of Interment and **attached** to this application (if applicable)

Section D: Detailed plans meet all requirements and attached to this application

Section D: Copy of inscription

Section D: Translation of inscription (if applicable)

Section D: Photographs of existing memorial/s