

## Model Rules: Frankston Memorial Park

Section 25 of the Act establishes a set of model rules that apply to all cemetery trusts. In addition to the model rules, cemetery trusts may make rules with respect to general care, protection and management of a public cemetery for which the cemetery trust is responsible.

The Frankston Cemetery Trust is administered by Council.

### Part 1: Preliminary

#### 1: *Objective*

The objective of these model rules is to provide for the general care, protection and management of a public cemetery by a cemetery trust if the cemetery trust has not made cemetery trust rules.

#### 2: *Authorising provisions*

These model rules are made under *Sections 25 and 180* of the Act.

#### 3: *Definitions*

In these Rules—

“authorised vehicles” means hearses, emergency vehicles, monumental mason vehicles, Council vehicles and vehicles used by contractors that are engaged by Council.

"cemetery" means a public cemetery for which a cemetery trust is responsible.

“Council” means Frankston City Council.

"the Act" means the *Cemeteries and Crematoria Act 2003*.

“secretary” means the Secretary to the Department of Health and Human Services.

### Part 2: General

#### 4: *Written approval of cemetery trust for certain activities*

(1): A cemetery trust may approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 by a person in a cemetery if the cemetery trust is satisfied that the carrying out of that activity by that person is not inconsistent with the care, protection or management of the cemetery.

(2): An approval under subrule (1)—

(a) must be in writing; and

(b) may be subject to any terms and conditions which the cemetery trust considers reasonable to impose in the circumstances.

## 5: *Opening hours*

- (1) If a cemetery is not open to pedestrian access at all times, the cemetery trust must display at the main entrance of that cemetery and at prominent places within that cemetery the hours during which pedestrian access is available to the cemetery.
- (2) A cemetery trust must notify the Secretary of—
  - (a) the hours during which pedestrian access is available to the cemetery; and
  - (b) any changes to those hours.
- (3) Only authorised vehicles are permitted within the cemetery grounds. External parking is available along Clarendon Street and Government Road.

## 6. *Declared State of Emergency or Disaster*

- (1) A cemetery trust must adapt its services and procedures to protect the health and wellbeing of employees and the community during a declared state of emergency or disaster.
- (2) Information will be published on the Council website and signage will be installed at all gate entrances outlining the procedures during these circumstances.
- (3) All members of the public, staff, funeral directors and monumental masons will be required to adhere to the restrictions and procedures the cemetery trust has in place.

## 7. *Disabled access*

- (1) Disabled access will be available through the gates off Clarendon Street, Monday to Friday between 9am and 3.30pm. A scheduled time will need to be made with the Memorial Park Officer by contacting 9784 1813 or email [cemetery@frankston.vic.gov.au](mailto:cemetery@frankston.vic.gov.au).
- (2) A disability parking permit will need to be shown, with the expiry date and permit number visible prior to entering the cemetery grounds.
- (3) A Council officer will open the gates and remain at the grounds for the duration of the visit and will close the gates upon departure.

## 8: *Funerals*

- (1) A cemetery trust may give directions to a person regarding the manner in which a funeral, including a funeral procession, is to be conducted in the cemetery.
- (2) A person responsible for arranging a funeral, including a funeral procession, in a cemetery must comply with any direction given by a cemetery trust under subrule (1).

9: *Cemetery Trust Meetings*

- (1) The cemetery trust will meet twice a year.
- (2) One meeting will be an open meeting, with members of the public invited to attend.

10: *Cemetery Trust Board*

- (1) Council will nominate three (3) individual Councillors to be trust members of the Board annually at its Special Statutory Meeting.
- (2) The cemetery trust board must comply with the public sector values outlined in section 7 of the *Public Administration Act 2004* and the model rules under section 25 of the *Cemeteries and Crematoria Act 2003*.

### Part 3—Memorials and places of interment

11: *Directions of cemetery trust*

- (1) A cemetery trust may give directions to a person regarding the items affixed to, or placed on, the places of interment and memorials in the cemetery.
- (2) A person must comply with any direction given by a cemetery trust under subrule (1).

12: *Approval for certain mementos*

A person must not, without the approval of a cemetery trust under rule 4, place the following items on a memorial or place of interment—

- a) ceramic or glass items that are fragile or breakable; or
- b) metal items that are likely to rust or deteriorate.

13: *Items likely to cause harm*

A person must not place any item likely to cause a risk to health or safety on a memorial or place of interment.

14: *Items must remain within boundaries*

A person placing an item on a memorial or place of interment must ensure that the item does not extend beyond the boundaries of the memorial or place of interment.

15: *Power to remove objects*

- (1) A cemetery trust may remove any of the following from a memorial or place of interment in a cemetery for which it is responsible—
  - a) any object that extends beyond the boundary of the memorial or place of interment;
  - b) any dead flowers, artificial flowers or any other item that is in a poor condition or located on a grassed area, pathway or road;
  - c) any object placed on a memorial or place of interment in contravention of the Act, the regulations or these Rules.

- (2) A cemetery trust must ensure that anything removed under subrule (1) is disposed of in a manner considered appropriate by the cemetery trust.

#### **Part 4—Works on memorials, places of interment and buildings for ceremonies**

##### *16: Power to inspect memorials, places of interment and buildings for ceremonies*

A cemetery trust may inspect any work that is being carried out on memorials, places of interment and buildings for ceremonies in the cemetery.

##### *17: Access to and maintenance of work sites*

- (1) A person responsible for carrying out work on a memorial, place of interment or building for ceremonies in a cemetery must ensure that all materials to be used in that work are, so far as practicable, prepared off-site.
- (2) A person responsible for carrying out work on a memorial, place or interment or building for ceremonies in a cemetery must schedule a time with the cemetery trust in order to perform the works. Works may only be undertaken within the prescribed hours.

#### **Part 5—Activities on land in a cemetery**

##### *18: Entry of animals into a cemetery*

A person must not allow any animal other than a dog to enter into or remain in a cemetery without the approval of the cemetery trust.

Penalty: 10 penalty units.

##### *19: Control of animals in a cemetery*

- (1) A person who brings a dog or, in accordance with rule 14, any other animal into a cemetery for the purpose of recreation, visiting a place of interment or attendance at a funeral ceremony must keep that dog or other animal under immediate control at all times.

Penalty: 10 penalty units

- (2) A person who brings a dog or, in accordance with rule 14, any other animal into a cemetery for the purpose of recreation, visiting a place of interment or attendance at a funeral ceremony must dispose of any excrement produced by that dog or other animal.

Penalty: 10 penalty units

- (3) A person who brings a dog or, in accordance with rule 14, any other animal into a cemetery must prevent the dog or other animal—
  - a. drinking from or entering into any water feature in the cemetery;
  - b. from causing a disturbance or annoyance to any other person in the cemetery.

Penalty: 10 penalty units

*20: Offence to build within a cemetery*

- (1) Subject to subrule (2), unless a person has an approval under the Act to do so, a person must not construct or erect any building, structure, enclosure or fence in a cemetery without the prior written approval of the cemetery trust in accordance with rule 4.

Penalty: 10 penalty units

- (2) Subrule (1) does not apply to—
- a. the cemetery trust when carrying out its functions; or
  - b. an employee, agent, or contractor of the cemetery trust acting in the course of that employment, agency, or contract; or
  - c. a volunteer or any other person authorised by the cemetery trust when carrying out a function in the cemetery authorised by the cemetery trust.

*21: Offence to damage cemetery trust property*

- (1) A person, other than a person specified in subrule (2), must not disturb or demolish any cemetery trust property, including buildings, structures, fences or roads without the prior written approval of the cemetery trust in accordance with rule 4.

Penalty: 10 penalty units

- (2) For the purposes of subrule (1) a person specified includes—
- a. the cemetery trust when carrying out its functions; or
  - b. an employee, agent, or contractor of the cemetery trust acting in the course of that employment, agency, or contract; or
  - c. a volunteer or any other person authorised by the cemetery trust when carrying out a function in the cemetery authorised by the cemetery trust.

*22: Offence to dig or plant*

- (1) A person, other than a person specified in subrule (2), must not dig or plant anything in a cemetery without the prior written approval of the cemetery trust in accordance with rule 4.

Penalty: 10 penalty units

- (2) For the purposes of subrule (1) a person specified includes—
- a. the cemetery trust when carrying out its functions; or
  - b. an employee, agent, or contractor of the cemetery trust acting in the course of that employment, agency, or contract; or
  - c. a volunteer or any other person authorised by the cemetery trust when carrying out a function in the cemetery authorised by the cemetery trust.

23: *Obstruction of the exercise of the powers or functions of a cemetery trust*

A person must not obstruct any member, officer, employee, delegate or agent of a cemetery trust in the exercise of the powers or functions of that member, officer, employee, delegate or agent.

Penalty: 10 penalty units