

Rights of holder of rights of interment (HoROI) policy

Cemetery trust (hereafter referred to as 'the trust'):	WWS Cemeteries Trust
Date policy adopted (trust meeting date):	20 May 2026

The trust adopted this policy at its trust meeting on the date specified above. This policy will be reviewed two years from the date the policy was adopted.

Purpose

This policy explains the rights of the Holder of Right of Interment (HoROI) in a cemetery managed by a Victorian Class B Cemetery Trust. It supports transparency for families and ensures consistent decision-making by the Trust.

What is a Right of Interment

A Right of Interment provides the legal authority to:

- Determine who may be interested in a burial plot
- Approve memorial installation or alteration
- Request certain works within the plot boundary (subject to Trust approval)

The Right of Interment does **not** provide ownership of land. All cemetery land remains Crown land managed by the Cemetery Trust.

Key Rights of HoROI

Subject to legislation and Cemetery Trust rules, the HoROI has the right to:

Authorise Interments

The HoROI may:

- Approve who is buried or whose ashes are interred in the plot
- Provide written consent for reopenings

The Trust cannot proceed with an interment without lawful authority.

Approve Memorial Works

The HoROI may request:

- Installation of a headstone or plaque
- Replacement of memorials
- Alterations to kerbing or surrounds
- Additional inscriptions

- Apply for approved memorial improvements
- Authorise applications for exhumation (subject to Statutory approval)
- Request transfer of the ROI to another eligible person/s

All works must comply with the Trust Rules and require Trust approval before installation.

Nominate a Monumental Mason

The HoROI may engage a monumental mason to undertake approved works, subject to:

- Trust approval processes
- Compliance with cemetery safety standards
- Proof of contractor insurance where required

Request Maintenance Alterations

The HoROI may request:

- Approved plot alterations
- Approved landscaping with boundaries (refer to the Memorialisation Policy)
- Repair or replacement of damaged memorial components

Approval must be granted before works commence.

Transfer the Right of Interment

The HoROI may apply to:

- Transfer the right to another eligible person/s

Transfers must comply with legislative requirements and Trust procedures.

Be Recorded as the Legal Decision-Maker

The HoROI is recognised by the Trust as the lawful decision-maker regarding the burial plots unless:

- The right has expired
- The right has been transferred
- The HoROI is deceased

Updating Contact Details

HoROI holders are responsible for keeping the Cemetery Trust advised of their current contact details.

Limits of HoROI Rights

The HoROI does **not** have the authority to:

- Alter a grave without Trust approval
- Install memorials without permits
- Carry out works themselves unless authorised
- Approve works outside the plot boundary
- Claim ownership of cemetery land

All works must comply with legislation, Trust Rules and safety requirements.

Multiple Holders of Right of Interment

Where more than one HoROI exists, all holders must consent to:

- additional interments
- monument installation
- inscription additions
- transfer of the Right of Interment

The Cemetery Trust may require written consent from all holders prior to approval of applications.

When a HoROI is deceased

A Cemetery Trust acknowledges that a HoROI may record burial or memorialisation wishes within their Last Will and Testament. However, a Will does not, on its own, constitute a binding instruction to the Cemetery.

The Trust will act only on directions provided by:

- The current HoROI during their lifetime
- The legally recognised successor HoROI following the death of the HoROI
- The authorised personal representative of the estate where applicable and prior to transfer of the HoROI

Where a will contains burial intentions relating to a specific grave, the Trust may consider to document as evidence of the deceased HoROI's wishes, but retains discretions to require formal authorisation from the current legal HoROI before approving:

- Further interments
- Placement of ashes
- Memorial installation or alteration
- Repopening of a grave
- Changes to plot use or designation

The Trust will administer all HoROI in accordance with *Cemeteries and Crematoria Act 2003 (Vic)* and associated regulations.

The Trust encourages HoROI to submit any burial directions relating to their grave in writing during their lifetime, so they can be recorded in the Cemetery Register and considered when future applications are assessed.

HoROI deceased With No Successor

Where the HoROI is deceased and no successor has been recorded in the Cemetery Trust's records, the ROI remains valid but cannot be exercised until appropriate authority has been established.

The Cemetery Trust will require an eligible person to apply for transfer of the ROI before approving:

- Any interment within the grave
- Placement of ashes
- Installation, alteration or removal of a memorial
- Alternations to the grave site
- Any other works affecting the site

Applicants seeking transfer of the ROI must provide evidence of entitlement. This may include:

- Proof of next-of-kin relationship
- Executor or administrator authority
- Written support from other family members
- Any other documentation the Cemetery Trust considers appropriate.

Where no eligible applicant can be identified, the ROI remains recorded in the name of the deceased holder. The grave does not revert to the Cemetery Trust.

The Cemetery Trust may exercise discretion in exceptional circumstances where an urgent interment request is received and:

- Reasonable efforts to identify or contact an eligible successor have been unsuccessful.

The Cemetery Trust reserves the right to request statutory declarations of additional supporting documentation where ownership or entitlement to the ROI is unclear or disputed.

HoROI Unable to Be Contacted

Where the registered HoROI is believed to be living but cannot be contacted after reasonable attempt by the Cemetery Trust:

- The Trust will not approve interments, memorial works, alternations to the grave site, or other changes affecting the site

The above will adhered to until appropriate authority has been established.

Reasonable contact attempts

Reasonable attempts to contact the HoROI may include:

- Contacting the last known address recorded in the Trust records
- Attempting contact via recorded phone or email details
- Contacting the original applicant for interment
- Contacting known next-of-kin or family members were appropriate

Where contact cannot be established, an eligible person may apply to the Cemetery for transfer, of the ROI and must provide evidence supporting their entitlement.

HoROI Cancelled by a Cemetery Trust

A cemetery Trust may cancel a ROI if, at least 25 years after being granted, it has never been exercised and the Cemetery Trust cannot, after diligent enquiry, find the right holders. At least 14 days prior to doing so, the Cemetery Trust must publish notice of its intention to cancel the ROI in a daily or weekly newspaper circulating in the vicinity of the cemetery to which the ROI applies.

Where a ROI holder contacts a Cemetery Trust after the cancellation of their ROI, the Cemetery Trust must provide a refund of the cost of the ROI based on the current cost of the same or a similar right, less the relevant administration fee, or provide an equivalent replacement ROI at not charge.

Expiry of Rights

Rights of interment may:

- Be perpetual or
- Be granted for a limited term

Where a limited term right expires, the Trust manages the plot in accordance with legislation and cemetery policy.

Role of the Cemetery Trust

The Cemetery Trust:

- Manages the cemetery on Crown land
- Ensures compliance with legislation
- Approves memorial works
- Maintains safety standards
- Protects neighbouring plots
- Ensures long-term cemetery sustainability

Trust approval is required before any alterations or interment occurs.

Resolving Disputes

Where disputes arise between family members:

- The Trust recognises the lawful HoROI only
- Works may be paused until authority is confirmed

The Trust does not arbitrate family disputes but must ensure legal consent exists before proceeding.

Related Documents

- Application to Alter a Burial Plot Form
- Transfer of Right of Interment Procedure
- Memorial Installation Guidelines
- Cemetery Trust Rules

VERSION CONTROL

No.	Date	Comments	Next review
1	20.05.2026		20.05.2028