

Memorial maintenance and installation

Information on the maintenance and installation of memorials, reflecting changes commencing on 1 September 2025.

Definition of ‘memorial’

The *Cemeteries and Crematoria Act 2013* (the Act) defines a memorial as “a gravestone, plaque, cenotaph or other monument; or any other structure or permanent physical object used to memorialise a deceased person”.

This guidance applies to all memorials including private (family) monuments such as:

- mausoleums (structures for the burial of human remains but not in the earth)
- columbaria (niches for storing urns).

It does not apply to ornaments or mementos, which are typically not permanent fixtures. Each operator can have their own requirements in this regard, and Category 1 and 2 operators are required via Licence Condition B.5.2 to publish a mementos policy.

Responsibility for upkeep

Interment right holders are responsible for memorial maintenance

Interment right holders are responsible for the maintenance of memorials.

Arrangements can be made for the cemetery operator or a third party to provide maintenance services (e.g. via agreement or consumer contract), however the interment right holder remains ultimately responsible.

Where a memorial was erected by The Office of Australian War Graves (OAWG), the asset will be considered a Commonwealth asset and be managed by OAWG. Please [contact the OAWG via their website](#) if you have any questions about these graves.

Operators are responsible for general maintenance and limited memorial repairs

Cemetery operators are responsible for the general upkeep and maintenance of the cemeteries they operate. This includes the maintenance of interment sites – for example, the lawn – but does not include memorials and monuments.

Operators must not disturb a memorial except in limited circumstances:

- Where authorised by the interment right holder.
- If the interment right for the site is no longer in force.
- To repair or remediate in cases of damage or vandalism.

Operators may repair or remediate a monument in these cases but are not required to repair damage they did not cause unless there are safety risks requiring works to comply with the *Work Health and Safety Act 2011* (WHS Law).

- To comply with the WHS Law:

If a memorial poses a risk to safety (e.g. due to deterioration or damage), operators must make it safe in accordance with the WHS Law. Operators must attempt to contact the interment right holder before doing so and keep a record of these attempts. Operators are encouraged to consider all other options before laying down monuments. Operators can take necessary steps to address safety where:

- The interment right holder does not want to repair, replace or remove the memorial
- The interment right holder cannot reasonably be contacted.

Other requirements may apply

For instance:

- Heritage requirements for maintenance may apply to cemeteries listed on the State Heritage Register or in a Local Environmental Plan. Information on maintenance of heritage items including standard exemptions is available from [Heritage NSW](#) or the relevant council websites.
- Operators with a category 1 or 2 licence must meet licence condition B.5.3, which requires new or restored memorials to comply with the Australian Standards applicable to headstones/memorials and above ground burial structures. Operators with a category 3 or 4 licence are encouraged to meet these requirements.
- Operators are responsible for compliance with the *Work Health and Safety Act 2011* (WHS Law) across cemeteries, which includes interment sites and memorials.

Installing a memorial

Operators are responsible for approving applications for the installation of memorials, with or without conditions. Operators can set the level of evidence they require before approving an installation and should ensure that new or restored memorials meet the relevant Australian standards.

The person or people who can authorise installation of a memorial will depend on the circumstances of each interment site. Generally, installing a memorial requires consent of the right holder(s), except as provided for below regarding unmarked sites.

Arrangements for memorials may be made pre-need and recorded with the operator. If the right holder is being interred, then the executor or administrator of the estate is able to provide instructions or authorise memorials.

Maintenance and repairs by non-right holders

Maintenance is permitted with a memorial works approval

Memorial maintenance works are generally considered low risk as they can either be reversed or intend to finalise the right holder's original intent.

Operators can, but are not required to, approve non-interment right holders repairing or remediating memorials where the right holder is unavailable. On application, operators can issue a 'memorial works approval' if that application demonstrates, to the operator's satisfaction, that the interment right holder is unavailable to consent to the memorial works.

The right holder is taken to be unavailable to consent if:

- they are deceased or unknown, or
- they have not responded to the applicant's notifications about the proposed works, as specified in the Reasonable Notification Guidelines. In summary, the applicant should:
 - Contact the right holder using the details on the register, concurrent with or followed by secondary contacts if unsuccessful. There should be at least one attempt by each contact method, with 28 days to reply to written attempts.
 - Consider any available informal information (e.g. local connections), noting there is no obligation to seek out additional information.

Given the low-risk nature of the works, the Act does not require further assessments or recommend the transfer of an interment right before authorising memorial maintenance.

Memorial works approvals do not apply where the right holder is available to give consent, or the memorial has been constructed unlawfully.

Works permitted under a memorial works approval

Operators may issue a memorial works approval for repair and remediation works, minor works and the erection of a memorial at an unmarked site.

Repair or remediation works

Repair or remediation works must restore the memorial (or part of the memorial) to its original state or be in keeping with its original state. They should not improve upon the memorial compared to when it was first erected.

Works should match the original memorial as closely as possible. New materials or finishes should match previous materials and finishes, and placement of materials or ornaments should be per the original technique and location. Examples of repair or remediation works include, but are not limited to:

- Re-gilding and re-painting lettering.
- Replacing damaged finishes such as tiles, pebbles or grave-coverings
- Reapplying silicone or mortar to joints where previous application has degraded
- Removal of weeds and vegetation harmful to the monument
- Replacing broken elements of memorials and monuments

Note: Cleaning a memorial using a non-abrasive method is not considered disturbing a memorial and is not subject to the memorial works approval requirements. Members of the public should still contact the operator before cleaning.

Minor works

Minor works should be consistent with the intentions of the right holder, including written instructions or other documents. Operators should check their register and records for instructions but are not required to seek further information beyond that provided.

Examples of minor works include, but are not limited to:

- Inscribing a name, date of birth or date of death of the interred person
- Adding a ceramic photo where there are written instructions from the right holder

Erecting a memorial at an unmarked site

An approval may be granted to erect a memorial at an unmarked site if five years have passed since the last interment at the site.

No works notice

A 'no works' notice is a written direction from the interment right holder prohibiting any future memorial works at the interment site, including repair works.

Operators must record a 'no works notice' on their register as soon as possible after it is received and can request this information as part of consumer contracts.

Operators must not approve memorial works that are prohibited by a 'no works notice'.

A no works notice does not prevent an operator from repairing a monument or memorial if required to comply with the WHS law.

Administration of memorial works applications

Operators must:

- Receive applications in writing.
- Follow the steps in section 70E of the Act to grant or refuse a memorial works approval. This includes providing reasons if an application is refused.

Operators may:

- Apply conditions to an approval, e.g. requiring the use of a qualified stonemason.
- Cancel a memorial works approval at any time.
- Direct a holder of a memorial works approval in relation to carrying out works, by written notice.

Operators are not subject to civil liability for a memorial works approval if issued in good faith and in accordance with the Act.

Removing a memorial for a renewable interment right

Two years after a renewable interment right expires, a cemetery operator may remove a memorial if they have complied with the requirements of section 55 of the Act and clause 14 of the Cemeteries and Crematoria Regulation 2022. This includes retaining a removed memorial for 5 years.