

Fences – establishing/replacing

Cemeteries and Crematoria Regulation Unit

The requirements regarding the establishment/replacement of fences are set out under the *Fences Act 1968* and not the *Cemeteries and Crematoria Act 2003*.

Generally, under certain circumstances, cemetery trusts and other managers of Crown land are exempt from the requirements outlined under the *Fences Act 1968*. This exemption is outlined under s31¹ of the *Fences Act 1968* and applies in situations where a cemetery trust manages and maintains the 'entirety' of the cemetery land which is the case for most cemetery trusts.

It should be noted however, that where a cemetery trust has leased or provided a licence in respect of any public cemetery land, then the exemption under s31 of the *Fences Act 1968* does not extend to the person to whom the lease/licence has been provided to. This means the person will need to comply with the *Fences Act 1968*.

Authorised by the Victorian Government, Melbourne. To receive this publication in an accessible format phone Cemeteries and Crematoria Regulation Unit on freecall 1800 034 280.

¹ *S.31 Act not to apply to unalienated Crown lands*

This Act except as is in sections 12 and 23 otherwise provided shall not apply to any unalienated Crown lands; nor shall the Crown the Governor the Minister administering section 19 nor any public officer appointed by the Governor or by the Governor in Council for the administration management or control of the Crown lands or public works or who by virtue of his office however styled has any such management or control be liable under this Act to make any contribution towards the construction or repairing of any dividing fence between the land of any occupier and any Crown land.