



Australian Capital Territory

Cemeteries Act 1933 No 29 (repealed)

Republication No 6

Effective: 27 September 2003

Republication date: 27 September 2003

As repealed by A2003-11

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Cemeteries Act 1933* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 27 September 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Cemeteries Act 1933 (repealed)

Contents

	Page
1 Name of Act	2
2 Interpretation for Act	2
5 Provision of public cemeteries according to religious denominations etc	3
6 Trustees of cemeteries	4
6A Leave of absence	5
6B Dismissal of trustee	5
6C Resignation of trustee	5
6D Vacation of office	5
7 Establishment of crematory	6
8 Inspection of cemeteries by authorised persons	7
9 Trustees not to interfere with burial ceremonies etc	7
10 Right of head of religious denomination to prohibit holding of services etc	7
11 Burial allotments	7

R6
27/09/03

Cemeteries Act 1933 (repealed)
Effective: 27/09/03

contents 1

Contents

		Page
12	Rights of head of religious denomination in relation to part of cemetery set apart for that denomination	8
13	Ministers to have full access to cemeteries	8
14	Monumental designs or inscriptions may be objected to	8
15	Times for burying the dead	8
16	Exhumation of bodies	8
17	Burials not to take place elsewhere than in cemetery	9
18	Closing of cemeteries	9
19	Staff	9
20	Revenue of trustees	9
21A	Application of money by trustees	10
21B	Estimates of expenditure	10
21F	Delegation	10
22	Place of burial of Dr Duffield	11
22A	Determination of fees	11
22B	Approved forms	12
23	Regulation-making power	12
Endnotes		
1	About the endnotes	13
2	Abbreviation key	13
3	Legislation history	14
4	Amendment history	17
5	Earlier republications	20



Australian Capital Territory

Cemeteries Act 1933 (repealed)

An Act relating to the establishment, management and control of cemeteries

1 Name of Act

This Act is the *Cemeteries Act 1933*.

2 Interpretation for Act

(1) In this Act:

Note 1 A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

burial includes the interment of the ashes of a dead body.

cemetery includes a public cemetery and a private burial ground.

plan—see the *Land (Planning and Environment) Act 1991*.

private burial ground means an area of public land reserved under the plan as a burial ground.

public cemetery means any land set apart for, or dedicated to, the purposes of a public cemetery under this Act.

religious denomination includes a group of religious denominations.

the recognised head of any religious denomination means the person for the time being recognised by the Minister as the head in the ACT of any religious denomination for which any part of a public cemetery has been specifically set apart.

trustee means a person appointed under this Act to be a trustee of a cemetery.

(2) A reference in this Act to a specified matter is a reference to a matter specified by the Minister under section 22A (1).

(3) A reference in this Act to a fixed amount is a reference to an amount fixed by the Minister under section 22A (2).

5 Provision of public cemeteries according to religious denominations etc

- (1) The Minister may, in writing, specially set apart separate parts of the lands comprising a public cemetery—
 - (a) for the purpose of a general cemetery; and
 - (b) for the burial of the dead of any religious denomination when requested to do so by the recognised head of that denomination; and
 - (c) for the burial of deceased persons who served—
 - (i) in the war that began in 1914, in any Naval or Military Expeditionary Force raised in the Commonwealth or in any other part of the Sovereign's dominions; or
 - (ii) in any other war in which the Sovereign is or has been engaged—
 - (A) in the Naval, Military or Air Forces of the Commonwealth or of any other part of the Sovereign's dominions; or
 - (B) in the Commonwealth or any Territory of the Commonwealth or in any area adjacent thereto, in the armed forces of any power or authority allied or associated with the Sovereign in any such war.
- (2) In the setting apart of parts of a public cemetery for the use of religious denominations, preference shall be given to the denomination having in the Commonwealth the greatest number of adherents as shown by the latest census.
- (3) In subsection (2):

religious denominations does not include groups of religious denominations.
- (4) An instrument under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

6 Trustees of cemeteries

- (1) The Minister may, in writing, appoint as—
- (a) trustees of all public cemeteries; or
 - (b) trustees of a private burial ground;
- not less than 3 nor more than 12 persons, as he or she considers appropriate, and may appoint 1 of the trustees to be the chairperson of the trustees.
- (2) An appointment is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The persons for the time being holding office as trustees shall be a body corporate.
- (4) The corporate name of the trustees referred to in subsection (1) (a) shall be The Trustees of the Canberra Public Cemeteries.
- (5) The Minister shall determine the corporate name of the trustees of a private burial ground.
- (6) All bodies corporate constituted under this section shall under their respective corporate names have perpetual succession and a common seal and shall be capable of suing and being sued.
- (7) A body corporate constituted under this section shall manage a public cemetery or private burial ground in accordance with—
- (a) the management objectives for a cemetery or burial ground specified in the *Land (Planning and Environment) Act 1991*, schedule 1; and
 - (b) any plan of management under that Act that applies to the cemetery or burial ground, as varied and in effect from time to time.
- (8) If a trustee ceases to hold office, the Minister may appoint a new trustee in his or her place.

- (9) If any part of a public cemetery is set apart for the burial of the dead of a religious denomination, that denomination may nominate a person for appointment as a trustee referred to in subsection (1) (a).
- (10) If any part of a public cemetery is set apart for the burial of the dead of a group of religious denominations, the group may nominate 1 member of each denomination in the group for appointment as a trustee referred to in subsection (1) (a).
- (11) If any part of a public cemetery is set apart under section 5 (1) (c), the body known as the Australian Capital Territory Branch of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia may nominate a person for appointment as a trustee referred to in subsection (1) (a).
- (12) A trustee referred to in subsection (1) (a) shall, for this Act, be taken to be a trustee of each public cemetery.

6A Leave of absence

At a meeting of the trustees of a cemetery, a majority of the trustees present may grant leave of absence to a trustee of that cemetery for the period and on the terms and conditions they determine.

6B Dismissal of trustee

The Minister may terminate the appointment of a trustee for inability, inefficiency or misbehaviour.

6C Resignation of trustee

A trustee may resign his or her office by signed writing addressed to the Minister.

6D Vacation of office

- (1) If a trustee—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his or her creditors; or
- (b) is absent, except on leave granted under section 6A, from 3 consecutive meetings of the trustees; or
- (c) fails to comply with his or her obligations under subsection (2) or (3);

the Minister shall, in writing, declare that the office of the trustee is vacant, and, on the notification of the declaration under the *Legislation Act 2001*, the office shall be deemed to be vacant.

- (2) A trustee of a cemetery who is directly or indirectly interested in a contract made or proposed to be made by the trustees of that cemetery, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the trustees.
- (3) A disclosure under subsection (2) shall be recorded in the minutes of the trustees, and the trustee—
 - (a) shall not take part after the disclosure in any deliberation or decision of the trustees in relation to that contract; and
 - (b) shall be disregarded for the purpose of constituting a quorum of the trustees for any such deliberation or decision.

7 Establishment of crematory

The trustees of any public cemetery may, subject to the approval of the Minister, erect and maintain in the cemetery a crematory for the burning of the dead.

8 Inspection of cemeteries by authorised persons

- (1) A person authorised in writing by the trustees of a cemetery may, at any time, enter the cemetery and inspect the land and any buildings, fittings, works and apparatus on it.
- (2) Any person who obstructs or intimidates any person so authorised in the exercise of his or her duty under this Act commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

9 Trustees not to interfere with burial ceremonies etc

The trustees of any public cemetery shall not interfere, directly or indirectly, with the performance of any religious ceremony in the burial of the dead according to the usage of the religious denomination to which the deceased belonged.

10 Right of head of religious denomination to prohibit holding of services etc

- (1) The recognised head of any religious denomination may, by written notice to the trustees, prohibit the performance or holding of any religious or other service within that part of any public cemetery specifically set apart for his or her denomination.
- (2) On receipt of the notice, the trustees shall prevent the performance or holding within that part of the religious or other service objected to.

11 Burial allotments

The trustees of any public cemetery may set apart and grant, subject to the conditions that are prescribed, the exclusive right of burial in any grave, vault or place of burial in any specified allotment in the cemetery to any person.

Note A fee may be determined under s 22A (Determination of fees) for this section.

12 Rights of head of religious denomination in relation to part of cemetery set apart for that denomination

The recognised head of any religious denomination may object to the grant of any exclusive right in relation to, or to the burial of any dead body in, any allotment in the part of any public cemetery set apart for his or her denomination and the trustees, on receiving notice of the objection and on good cause being shown, shall refuse to grant the exclusive right or prohibit the burial in that part.

13 Ministers to have full access to cemeteries

Any minister of any religious denomination for which any part of a public cemetery has been specifically set apart shall have full access and admission to the part and also to the general part as he or she considers appropriate, and may freely exercise his or her spiritual functions in connection with the burial of the dead without any hindrance or disturbance by the trustees or any person.

14 Monumental designs or inscriptions may be objected to

The recognised head of any religious denomination may object to the placing of any monumental design or inscription within the part of the public cemetery specifically set apart for his or her denomination and the trustees shall, on receiving notice of the objection, prevent the placing of the design or inscription objected to.

15 Times for burying the dead

Any person who buries any dead body after sunset or before sunrise on any day throughout the year commits an offence.

Maximum penalty: 10 penalty units.

16 Exhumation of bodies

A person shall not exhume a body, or the remains of a body, buried in a cemetery—

- (a) except under a warrant issued under the *Coroners Act 1997*; or
- (b) without the written permission of the chief health officer under the *Public Health Act 1997*.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

17 Burials not to take place elsewhere than in cemetery

Any person who, except with the written consent of the Minister, buries a dead body, other than the ashes of a dead body, elsewhere than in a cemetery commits an offence.

Maximum penalty: 50 penalty units.

18 Closing of cemeteries

- (1) The Minister may, in writing, order that, after a time specified in the order not being less than 3 months, burials in any cemetery shall be wholly discontinued or discontinued subject to the exceptions and qualifications the Minister considers appropriate.
- (2) An order is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

19 Staff

- (1) The trustees may make arrangements with the chief executive for the use of the services of public servants in the administrative unit under the chief executive's control.
- (2) The *Public Sector Management Act 1994* applies in relation to the management by the trustees of public servants who are the subject of an arrangement under subsection (1).

20 Revenue of trustees

The revenue of the trustees of a cemetery shall consist of—

- (a) the amounts paid to the trustees by the Minister out of money appropriated by the Legislative Assembly for the purposes of the cemetery; and
- (b) the amounts received by the trustees under this Act.

21A Application of money by trustees

The money of the trustees of a cemetery shall be applied only in payment or discharge of the expenses, charges and obligations incurred or undertaken by the trustees in the exercise of their functions under this Act, including expenses, charges and obligations incurred or undertaken in laying out and ornamenting the cemetery in the way that is most convenient and suitable for the burial of the dead and in preserving, maintaining and keeping the cemetery in a clean and orderly condition.

21B Estimates of expenditure

The trustees of a cemetery shall, not later than 31 March in each year, submit to the Minister a statement of any new works, repairs and alterations proposed to be carried out during the financial year beginning on the following 1 July, together with an estimate of the expense that would be incurred in carrying out the works, repairs and alterations.

Note If a form is approved under s 22B (Approved forms) for a statement, the form must be used.

21F Delegation

- (1) The trustees of a cemetery may, either generally or in relation to a matter or class of matters, by writing under the seal of the trustees, delegate all or any of their powers under this Act (except this power of delegation).
- (2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.

- (3) A delegation under this section is revocable at will and does not prevent the exercise of a power by the trustees.

22 Place of burial of Dr Duffield

- (1) The Governor-General may, by proclamation published in the *Gazette*, set apart for or dedicate to the purpose of a private burial ground that piece of land containing not more than 22.77m² containing the place of burial of the late Dr Walter Geoffrey Duffield.
- (2) The Minister may appoint 2 trustees for this section.
- (3) The first 2 trustees shall be Mrs Doris Tennant Duffield, widow of the late Dr Walter Geoffrey Duffield or a person nominated by her and a representative of the lands administration of the Territory.
- (4) In the event of a vacancy occurring in the office of trustee held by Mrs Doris Tennant Duffield or the person nominated by her, the Minister may appoint the person nominated by Mrs Doris Tennant Duffield or her heirs, executors and assigns or, in default of nomination, the person the Minister considers appropriate.
- (5) In the event of a vacancy occurring in the office of trustee held by a representative of the lands administration of the Territory, the Minister shall appoint the person the Minister considers appropriate.
- (6) The trustees shall not permit any person other than the widow of Walter Geoffrey Duffield to be buried in the land set part or dedicated under subsection (1) unless the written consent of the Minister has first been obtained.
- (7) This section shall be deemed to have commenced on 1 August 1929.

22A Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

22B Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

23 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) the management, control and protection of public cemeteries and private burial grounds; and
 - (b) the powers and duties of trustees of cemeteries; and
 - (c) the licensing and control of funeral undertakers and of the vehicles supplied by funeral undertakers for the use of mourners at funerals; and
 - (d) the receipt and control of money contributed or donated by any person for the maintenance in perpetuity or otherwise of any grave or vault or part of a cemetery; and
 - (e) the maintenance of order and good conduct in cemeteries.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Cemeteries Ordinance 1933* No 29 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

Legislation before becoming Territory enactment

Cemeteries Act 1933 No 29

notified 23 November 1933

s 22 commenced 1 August 1929

remainder commenced 23 November 1933

as amended by

Cemeteries Ordinance 1942 No 18

notified 15 October 1942

commenced 15 October 1942

Ordinances Revision Ordinance 1959 No 21

notified 23 December 1959

commenced 31 December 1959

Cemeteries Ordinance 1961 No 13

notified 20 July 1961

commenced 20 July 1961

Cemeteries Ordinance 1966 No 9

notified 16 May 1966

commenced 16 May 1966

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19 s 10 and sch 1

notified 23 December 1966
commenced 23 December 1966

Ordinances Revision (Health Commission) Ordinance 1975 No 17 s 4

notified 1 July 1975
commenced 1 July 1975

Ordinances Revision (Metric Conversion) Ordinance 1977 No 64

notified 22 December 1977
commenced 22 December 1977

Cemeteries (Amendment) Ordinance 1978 No 10

notified 16 March 1978
commenced 16 March 1978

Ordinances Revision (Administration Arrangements) Ordinance 1978 No 11

notified 11 May 1978
commenced 11 May 1978

Cemeteries (Amendment) Ordinance 1983 No 47

notified 14 October 1983
commenced 22 November 1985 (Cwlth Gaz 1985 No S492)

Cemeteries (Amendment) Ordinance 1985 No 56

notified 28 October 1985
commenced 28 October 1985

Cemeteries (Amendment) Ordinance 1987 No 6

notified 3 March 1987
commenced 3 March 1987

Community and Health Service (Consequential Provisions) Ordinance 1988 No 29 sch

notified 30 June 1988
commenced 2 July 1988 (s 2)

Endnotes

3 Legislation history

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwltz Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwltz Gaz 1989 No S164)

Legislation after becoming Territory enactment

Statutory Authorities (Audit Arrangements) Act 1990 No 25 pt 6

notified 22 June 1990 (Gaz 1990 No S29)
s 1, s 2 commenced 22 June 1990 (s 2 (1))
pt 6 commenced 22 June 1990 (s 2 (2) and Gaz 1990 No S35)

Health Services (Consequential Provisions) Act 1990 No 63 sch 1

notified 28 December 1990 (Gaz 1990 No S102)
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

Cemeteries (Amendment) Act 1991 No 41

notified 20 September 1991 (Gaz 1991 No S95)
s 1, s 2 commenced 20 September 1991 (s 2 (1))
remainder commenced 1 October 1991 (s 2 (2) and Gaz 1991 No S106)

Land (Planning and Environment) (Consequential Provisions) Act 1991 No 118 pt 2 div 4, sch 1 pt 4

notified 15 January 1992 (Gaz 1992 No S3)
s 1, s 2 commenced 15 January 1992 (s 2 (1))
pt 2 div 4, sch 1 pt 4 commenced 2 April 1992 (s 2 (2) and Gaz 1992 No 13)

Cemeteries (Amendment) Act 1992 No 19

notified 2 June 1992 (Gaz 1992 No S62)
commenced 2 June 1992

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 14

notified 30 June 1994 (Gaz 1994 No S121)
s 1, s 2 commenced 30 June 1994 (s 2 (1))
sch 1 pt 14 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 No 26 sch pt 6

notified 1 July 1996 (Gaz 1996 No S130)
commenced 1 July 1996 (s 2)

Coroners (Consequential Provisions) Act 1997 No 58 sch 1

notified 9 October 1997 (Gaz 1997 No S300)
commenced 9 October 1997 (s 2)

Public Health (Miscellaneous Provisions) Act 1997 No 70 sch 1

notified 9 October 1997 (Gaz 1997 No S300)
ss 1-3 commenced 9 October 1997 (s 2 (1))
sch 1 commenced 13 August 1998 (s 2 (2) and Gaz 1998 No S185)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Legislation (Consequential Amendments) Act 2001 No 44 pt 56

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 56 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

as repealed by

Cemeteries and Crematoria Act 2003 A2003-11 s 61

notified LR 27 March 2003
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))
s 61 commenced 27 September 2003 (s 2 and LA s 79)

4 Amendment history

Name of Act

s 1 am 1966 No 19 s 10

Endnotes

3 Amendment history

Interpretation for Act

- s 2 am 1985 No 56 s 3; 2001 No 44 amdt 1.622, amdt 1.623; ss
renum R5 LA
def **burial** sub 1966 No 9 s 2
def **commissioner** ins 1975 No 17 s 4
om 1988 No 29 sch
def **medical officer of health** ins 1990 No 63 sch 1
om 1997 No 70 sch 1
def **plan** ins 1991 No 118 sch 1 pt 4
def **private burial ground** sub 1991 No 118 sch 1 pt 4
def **service** ins 1988 No 29 sch
om 1990 No 63 sch 1
def **this Act** om 2001 No 44 amdt 1.621
def **trustee** ins 1961 No 13 s 2

Repeal of s 12 (m) of the Public Health Act 1928

- s 3 om LRA

Establishment of cemeteries

- s 4 am 1959 No 21; 1989 No 38 sch 1
om 1991 No 118 sch 1 pt 4

Provision of public cemeteries according to religious denominations etc

- s 5 am 1942 No 18; 2001 No 44 amdt 1.624, amdt 1.625

Trustees of cemeteries

- s 6 am 1959 No 21; 1961 No 13 s 3; 1987 No 6; 1991 No 118 s 17;
1992 No 19 s 3; 2001 No 44 amdt 1.626, amdt 1.627; ss
renum R5 LA

Leave of absence

- s 6A ins 1961 No 13 s 4

Dismissal of trustee

- s 6B ins 1961 No 13 s 4

Resignation of trustee

- s 6C ins 1961 No 13 s 4

Vacation of office

- s 6D ins 1961 No 13 s 4
am 2001 No 44 amdt 1.628, amdt 1.629

Establishment of crematory

- s 7 am 1966 No 9 s 3

Inspection of cemeteries by authorised persons

- s 8 am 1961 No 13 s 5; 1966 No 19 sch 1; 1998 No 54 sch

Burial allotments

- s 11 am 1985 No 56 s 4; 2001 No 44 amdt 1.630, amdt 1.631

Times for burying the dead

s 15 am 1966 No 19 sch 1; 1998 No 54 sch

Exhumation of bodies

s 16 am 1966 No 19 sch 1; 1975 No 17
sub 1978 No 10
am 1988 No 29 sch; 1990 No 63 sch 1; 1997 No 58 sch 1; 1997
No 70 sch 1; 1998 No 54 sch

Burials not to take place elsewhere than in cemetery

s 17 am 1966 No 9 s 4; 1966 No 19 sch 1; 1998 No 54 sch

Closing of cemeteries

s 18 am 2001 No 44 amdts 1.632-1.635

Staff

s 19 am 1992 No 19 s 4
sub 1994 No 38 sch 1 pt 14

Personnel management

s 19A ins 1992 No 19 s 5
om 1994 No 38 sch 1 pt 14

Revenue of trustees

s 20 sub 1961 No 13 s 6
am 1978 No 11; 1989 No 38 sch 1

Trustees to keep accounts

s 21 am 1959 No 21
sub 1961 No 13 s 6
om 1983 No 47

Application of money by trustees

s 21A ins 1961 No 13 s 6
am 1983 No 47

Estimates of expenditure

s 21B ins 1961 No 13 s 6
am 2001 No 44 amdt 1.636, amdt 1.637

Audit Act to apply

s 21C ins 1961 No 13 s 6
om 1983 No 47
ins 1990 No 25 s 8
am 1991 No 41 s 4
om 1996 No 26 pt 6

Financial reporting and audit

s 21D ins 1961 No 13 s 6
om 1983 No 47
ins 1990 No 25 s 8
om 1996 No 26 pt 6

Endnotes

5 Earlier republications

Annual report of trustees

s 21E ins 1961 No 13 s 6
om 1983 No 47

Delegation

s 21F ins 1961 No 13 s 6

Place of burial of Dr Duffield

s 22 am 1977 No 64

Determination of fees

s 22A ins 1985 No 56 s 5
sub 2001 No 44 amdt 1.638

Approved forms

s 22B ins 2001 No 44 amdt 1.638

Regulation-making power

s 23 am 1966 No 19 sch 1; 1985 No 56 s 6; 1989 No 38 sch 1; 1998
No 54 sch; 2001 No 44 amdts 1.639-1.641

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	31 May 1991
2	Act 1992 No 19	31 August 1992
3	Act 1994 No 38	31 January 1995
4	Act 1997 No 70	13 August 1998
5	A2001-44	13 June 2002

© Australian Capital Territory 2003