

AUSTRALIAN CAPITAL TERRITORY

CEMETERIES (AMENDMENT) ORDINANCE 1985

No. 56 of 1985

EXPLANATORY STATEMENT

The Cemeteries (Amendment) Ordinance 1985 ("the Ordinance") amends the Cemeteries Ordinance 1933 ("the Principal Ordinance") to enable the Minister to determine fees for the purposes of the Principal Ordinance and the Canberra Public Cemeteries Regulations by notice in the Gazette.

Sub-sections 12(9A) and 12(9B) of the Seat of Government (Administration) Act 1910 provide for Ministerial determinations of fees and charges under Territory Ordinances to be laid before Parliament and for them to be subject to Parliamentary disallowance.

Sections 1 and 2 of the Ordinance deal with its citation and interpretation.

Section 3 of the Ordinance amends section 2 of the Principal Ordinance to insert definitions of certain terms as follows:

- . "specified matter" means a matter specified by the Minister pursuant to sub-section 22A(1) of the Principal Ordinance, as amended by the Ordinance;
- . "determined fee" means a fee determined by the Minister pursuant to the same sub-section; and
- . "fixed amount" means an amount fixed by the Minister pursuant to sub-section 22A(2) of the Principal Ordinance, as amended by the Ordinance.

Section 4 of the Ordinance amends section 11 of the Principal Ordinance to omit "prescribed fee" and substitute "determined fee".

Section 5 of the Ordinance inserts a new section 22A into the Principal Ordinance which provides that the Minister may, by notice in writing published in the Gazette:

- . specify matters in respect of which fees are to be payable for the purposes of the Principal Ordinance;
- . determine the fees payable in respect of such specified matters; and
- . fix an amount that is to be refunded, in circumstances prescribed by Regulation, from such a determined fee.

Section 6 of the Ordinance amends section 23 of the Principal Ordinance to provide that fees and charges for the purposes of the Ordinance may not be fixed by Regulation, as follows:

- . paragraph 23(c) of the Principal Ordinance is amended to remove the Minister's power to make Regulations about charges for the licensing and control of funeral undertakers and vehicles supplied by undertakers for mourners at funerals; and
- . paragraph 23(f) of the Principal Ordinance is amended to remove the Minister's power to make Regulations about the fees and charges payable for services provided under the Principal Ordinance.

Ord No. 68/84