

EXPLANATORY MEMORANDUM

AUSTRALIAN CAPITAL TERRITORY
CEMETERIES (AMENDMENT) ORDINANCE 1978

The Attorney-General's Department has recommended that section 16 of the Cemeteries Ordinance 1933 be amended to bring it in line with the provisions of the Coroners Ordinance 1956.

Section 16(1) of the Cemeteries Ordinance 1933 provides:

16. - (1.) Except in pursuance of a warrant to exhume a body for the purpose of an inquest, no person shall remove any body or the remains of any body buried in any cemetery without the permission in writing of the Commissioner.

However, sections 16 and 17 of the Coroners Ordinance 1956 permit the Coroner to issue a warrant for the exhumation of a body for a post-mortem examination even though it is not certain that an inquest will be held.

The Cemeteries Ordinance, as amended by the Cemeteries (Amendment) Ordinance 1978, will accord with the Coroners Ordinance by permitting exhumation where a warrant has been issued under the Coroners Ordinance or where the written permission of the Capital Territory Health Commissioner has been obtained.