

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION REGULATIONS 2014

18 JANUARY2024

Delegation Sources

- Burial and Cremation Regulations 2014

Positions

Abbreviation	Position
CEO	Chief Executive Officer
DCCS	Director Corporate & Community Services
DIES	Director Infrastructure & Environmental Services
GI	General Inspector
IMCO	Information Management & Cemetery Officer
MPC	Manager People Corporate
MO	Manager Operations

Instrument of Delegation under the Burial and Cremation Regulations 2014

Burial and Cremation Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 12(1)	Ensure remains are placed in labelled container and stored in ossuary	CEO		relevant authority for cemetery or crematorium
regulation 12(2)	Provide notice to the Attorney-General and Registrar of removal of remains to ossuary	CEO		relevant authority for cemetery or crematorium
regulation 16	Fill interment site to level of natural surface	CEO, DIES, MO		relevant authority for cemetery or crematorium
regulation 17(2)	Approve manner of marking name plate attached to coffin or bodily remains	CEO		relevant authority for cemetery or crematorium
regulation 18(1)(a)	Approve construction material for mausoleum or vault	CEO		relevant authority for cemetery or crematorium

Burial and Cremation Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 18(5)	Be satisfied that mausoleum or vault is sealed	CEO		relevant authority for cemetery or crematorium
regulation 19(1)	Open and inspect mausoleum or vault	CEO, DIES, MO		relevant authority for cemetery or crematorium
regulation 19(2)	Give notice to take remedial action if mausoleum or vault does not comply with the Burial and Cremation Regulations or offensive odours or noxious gases or fluids have escaped or are escalating from the mausoleum or vault	CEO, DIES, MO		relevant authority for cemetery or crematorium
regulation 19(3)	Cause work to be undertaken if person fails to comply with notice provided under regulation 19(2)	CEO, DIES, MO, MPC		relevant authority for cemetery or crematorium
regulation 19(3)	Recover costs of undertaking work if person fails to comply with notice provided under regulation 19(2)	CEO, DCCS, MPC		relevant authority for cemetery or crematorium

Burial and Cremation Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 21(1)	Dispose of name plate, metal or plastic fitting, any other object removed from the exterior of coffin or any other thing in possession due to cremation	CEO		relevant authority for cemetery or crematorium
regulation 21(3)	Ensure nameplate is provided to person holding the relevant cremation permit or a person authorised by that person	CEO		relevant authority for cemetery or crematorium
regulation 22	Fence the cemetery or natural burial ground	CEO, DIES, MO		relevant authority for cemetery or crematorium
regulation 24(1)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the driving of the vehicle	IMCO, CEO, DIES, MO		relevant authority for cemetery or crematorium
regulation 24(2)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the parking of the vehicle	IMCO, CEO, DIES, MO		relevant authority for cemetery or crematorium

Burial and Cremation Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 25	Authorise removal, damage, defacement or interference of fixtures, structure or grounds within the cemetery or natural burial ground	IMCO, CEO, DIES, MO		relevant authority for cemetery or crematorium
regulation 26(a)	Cause removal of unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers from the cemetery or natural burial ground	CEO, DIES, MO		relevant authority for cemetery or crematorium
regulation 26(b)	Cause pruning, cutting down or removal of plants within the cemetery or natural burial ground	CEO, DIES, MO		relevant authority for cemetery or crematorium
regulation 27	Require a person to leave the cemetery or natural burial ground	CEO, DCCS, GI, MPC		relevant authority for cemetery or crematorium

Document history and version control

Date	Council/Chief Executive Officer	Comment
14/11/23	Reviewed and adopted at 14 November 2023 Special Council meeting	
18/1/24	Reviewed by CEO changed sub delegations from MFS to MPC	