

# Instrument of Delegation- Council to Staff Cemeteries and Crematoria

**knox** your city



## Council to Council Staff

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 25 September 2023; and
  - 2.2 the delegation:
    - 2.2.1 comes into force on 25 September 2023;
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of a Council Meeting; or
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
      - (a) policy; or
      - (b) strategy adopted by Council; or
    - 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
    - 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.



Instrument of Delegation- Council to Staff Cemeteries and  
Crematoria



Cr Marcia Timmers-Leitch - Mayor

Bruce Dobson - Chief Executive Officer

Date: 25/9/2023

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)(a)(iii)	Power to manage one or more public cemeteries	Not Delegated	
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	Chief Executive Officer Director Customer and Performance Manager Governance & Risk Head Of Governance	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer Sexton	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	Not Delegated	
s 15(4)	Duty to keep records of delegations	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Governance Officer	



**CEMETERIES AND CREMATORIA ACT 2003**

[##] The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(1)	Power to employ any persons necessary	Chief Executive Officer Director Customer & Performance Chief People Officer Deputy Chief People Officer People Experience Lead Manager Governance & Risk Head Of Governance	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 17(3)	Power to determine the terms and conditions of employment or engagement	Chief Executive Officer Director Customer & Performance Chief People Officer Deputy Chief People Officer People Experience Lead Manager Governance & Risk Head Of Governance	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	Chief Executive Officer Director Customer and Performance Manager Governance & Risk Head Of Governance	

### CEMETERIES AND CREMATORIA ACT 2003

[##] The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Power to carry out or permit the carrying out of works	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Sexton	
s 20(1)	Duty to set aside areas for the interment of human remains	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with section 36	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with section 37	Not Delegated	Subject to the Minister approving the purpose



### CEMETERIES AND CREMATORIA ACT 2003

### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40	Duty to notify Secretary of fees and charges fixed under section 39	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer Administration Officer	provided the street was constructed pursuant to the Local Government Act 2020
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery.	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	Subject to the Report being approved by the Council.
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	Report must contain the particulars listed in s.57(2) Report must be endorsed by Council

**CEMETERIES AND CREMATATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 59	Duty to keep records for each public cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 60(2)	Power to charge fees for providing information	Chief Executive Officer Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	



### CEMETERIES AND CREMATORIA ACT 2003

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s64(4)	Duty to comply with a direction from the Secretary under s 64(3)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 64B(d)	Power to permit interments at a reopened cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	Chief Executive Officer	The application must include the requirements listed in s.66(2)(a)–(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer	

**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 70(2)	Duty to make plans of existing place of interment available to the public	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	
s 71(2)	Power to dispose of any memorial or other structure removed	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	
s 72(2)	Duty to comply with request received under section 72	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer	



**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 73(1)	Power to grant a right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 73(2)	Power to impose conditions on the right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 74(3)	Duty to offer a perpetual right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	

**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 75	Power to grant the rights of interment set out in subsections 75 (a) and (b)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	



**CEMETERIES AND CREMATORIA ACT 2003**

### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 80(1)	Function of receiving notification and payment of transfer of right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 80(2)	Function of recording transfer of right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk</p> <p>Head Of Governance</p> <p>Senior Governance Officer</p> <p>Governance Officer</p> <p>Senior Administrative Officer</p> <p>Administration Officer</p>	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk</p> <p>Head Of Governance</p> <p>Senior Governance Officer</p> <p>Governance Officer</p> <p>Senior Administrative Officer</p> <p>Administration Officer</p>	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk</p> <p>Head Of Governance</p> <p>Senior Governance Officer</p> <p>Governance Officer</p> <p>Senior Administrative Officer</p> <p>Administration Officer</p>	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s84C(2), (3) or (5)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
S 84I(4)	Power to exercise the rights of a holder of a right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	

**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(5)	Duty to pay refund to the previous holder or holders of the right of interment	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer</p>	
s 84(6)(a)	Power to remove any memorial on the place of interment	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer</p>	
s 84(6)(b)	Power to grant right of interment under s73	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer</p>	



### CEMETERIES AND CREMATORIA ACT 2003

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	The notice must be in writing and contain the requirements listed in s.85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	Does not apply where right of interment relates to remains of a deceased veteran.
s 85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; Remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	



### CEMETERIES AND CREMATORIA ACT 2003

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer	
s 86(4)	Power to take action under s.86(4) relating to removing and re-interring cremated human remains	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer	
s 86(5)	Duty to provide notification before taking action under s.86(4)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer	



### CEMETERIES AND CREMATORIA ACT 2003

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	
s 91(1)	Power to cancel a right of interment in accordance with section 91	Not Delegated	
s 91(3)	Duty to publish notice of intention to cancel right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	

**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 99	Power to approve or refuse an application made under section 98, or to cancel an approval	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	Advice should be sought from the Sexton as required before exercising this power



### CEMETERIES AND CREMATORIA ACT 2003

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 99(4)	Duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	Advice should be sought from the Sexton as required before exercising this power
s 100(1)	Power to require a person to remove memorials or places of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	
s 100(3)	Power to recover costs of taking action under section 100(2)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	Not Delegated	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	Not Delegated	
s 103(1)	Power to require a person to remove a building for ceremonies	Not Delegated	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	
s 103(3)	Power to recover costs of taking action under section 103(2)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	In consultation with Council



### CEMETERIES AND CREMATORIA ACT 2003

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 106(3)	Power to open and examine the place of interment if section 106(2) not complied with	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	In consultation with Council
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	In consultation with, Council
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	In consultation with Council
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	Chief Executive Officer Director Customer & Performance Manager Governance & Risk	In consultation with Council
s 108	Power to recover costs and expenses	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	In consultation with Council
s 109(1)(a)	Power to open, examine and repair a place of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	Where the holder of right of interment or responsible person cannot be found In consultation with Council



**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	Where the holder of right of interment or responsible person cannot be found In consultation with Council
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	Not Delegated	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	Not Delegated	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 112	Power to sell and supply memorials	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	

### CEMETERIES AND CREMATORIA ACT 2003

## The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 119	Power to set terms and conditions for interment authorisations	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 131	Function of receiving an application for cremation authorisation	Not Delegated	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	Not Delegated	Subject to subsection (2)



### CEMETERIES AND CREMATORIA ACT 2003

### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer Administration Officer	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer Administration Officer	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer Administration Officer	

### CEMETERIES AND CREMATORIA ACT 2003

### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	
s 151	Function of receiving applications to inter or cremate body parts	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	
s 152(2)	Power to impose terms and conditions on authorisation granted under section 150.	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer	
Sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	



**CEMETERIES AND CREMATORIA ACT 2003**

[##]The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Sch 1 cl 8(8)	Power to regulate own proceedings	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	Subject to clause 8

### CEMETERIES AND CREMATORIA REGULATIONS 2015

[##]These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Duty to ensure that cemetery complies with depth of burial requirements	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer</p> <p>Sexton</p>	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer</p> <p>Sexton</p>	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	<p>Chief Executive Officer</p> <p>Director Customer &amp; Performance Manager Governance &amp; Risk Head Of Governance Senior Governance Officer Senior Administrative Officer Administration Officer</p> <p>Sexton</p>	



## CEMETERIES AND CREMATORIA REGULATIONS 2015

{##}These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	Not Delegated	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	Not Delegated	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	Not Delegated	
r 30(2)	Power to release cremated human remains to certain persons	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer Administration Officer Sexton	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	Not Delegated	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	Not Delegated	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Not Delegated	

### CEMETERIES AND CREMATORIA REGULATIONS 2015

[#]These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer Administration Officer Sexton	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer Sexton	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer Sexton	



### CEMETERIES AND CREMATORIA REGULATIONS 2015

[##]These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer Sexton	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Administrative Officer Administration Officer Sexton	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	

### CEMETERIES AND CREMATORIA REGULATIONS 2015

[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 40	Power to approve a person to play sport within a public cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
r 41(1)	Power to approve fishing and bathing within a public cemetery	Not Delegated	
r 42(1)	Power to approve hunting within a public cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
r 43	Power to approve camping within a public cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
r 45(1)	Power to approve the removal of plants within a public cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Senior Administration Officer Administration Officer Sexton	



## CEMETERIES AND CREMATORIA REGULATIONS 2015

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
r 47(3)	Power to approve the use of fire in a public cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	Advice should be sought from the Sexton as required before exercising this power
<b>Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules</b>			
Sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	See note above regarding model rules
Sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	See note above regarding model rules

## CEMETERIES AND CREMATORIA REGULATIONS 2015

[#]These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	See note above regarding model rules
Sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer Sexton	See note above regarding model rules
Sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer Sexton	see note above regarding model rules Advice should be sought from the Sexton as required before exercising this power



### CEMETERIES AND CREMATORIA REGULATIONS 2015

[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Sch 2 cl 8	Power to approve certain mementos on a memorial	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administration Officer	See note above regarding model rules
Sch 2 cl 1(1)	Power to remove objects from a memorial or place of interment	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	See note above regarding model rules
Sch 2 cl 1(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	See note above regarding model rules
Sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	See note above regarding model rules

## CEMETERIES AND CREMATORIA REGULATIONS 2015

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	See note above regarding model rules
Sch 2 cl 16(1)	Power to approve construction and building within a cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance	See note above regarding model rules Does not apply to a Cemetery Trust when carrying out its own functions or to an employee, agent or contractor of the Cemetery Trust
Sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	See note above regarding model rules
Sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	Chief Executive Officer Director Customer & Performance Manager Governance & Risk Head Of Governance Sexton	See note above regarding model rules