

THE ADMINISTRATION OF PLACES OF BURIAL ORDINANCE 2019

AN ORDINANCE to provide for the control and management of places of burial within the Diocese of Newcastle.

BE IT THEREFORE Ordained by the Diocesan Council as follows: -

PART 1 – EXPLANATORY MEMORANDUM

- (1) The *Cemeteries of Ordinance 1935* has provided for the control and management of the Cemeteries within the Diocese of Newcastle
- (2) The Cemeteries and Crematoria Act 2013 No 105 [NSW]; provides statutory requirements governing the management and administration of places of burial.
- (3) The review of the legislation and the existing ordinance have necessitated that changes are required to ensure the Ordinance is relevant in respect of current Diocesan procedures and regulatory requirements.

PART 2 – THE ORDINANCE

Short Title

1. This Ordinance may be cited as the ***Administration of Places of Burial Ordinance 2019***.

Repeal

2. The following Ordinance is repealed:
 - (a) the *Cemeteries Ordinance 1935*

Definitions

3. In this Ordinance, unless the context or subject matter otherwise provides, the word:-

Cemetery

means a building or place including a burial ground, memorial garden or columbaria used primarily for the interment and memorialisation of human remains, including ashes, as defined in the Cemeteries and Crematoria Act 2013 No 105 [NSW].

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Amendment

4. The Administration of Parishes Ordinance 2010 is amended by:
- (a) the insertion of a definition of "Cemetery" to read "Cemetery means a building or place including a burial ground, memorial garden or columbaria used primarily for the interment and memorialisation of human remains, including ashes, as defined in the Cemeteries and Crematoria Act 2013 No 105 [NSW];
 - (b) the insertion of a new clause 20(d) "No Church Property used as a Cemetery may be managed in a manner inconsistent with the Cemeteries and Crematoria Act 2013 No 105 [NSW] or any regulation made under that Act" as enforced from time to time;
 - (c) the insertion of a new clause 53(j) to read "to assist the Churchwardens ensure the care, management and administration of any Cemetery associated with the Parish".
 - (d) the insertion of a new clause 57(g) to read "ensure the effective care, management and administration of any Cemetery associated with the Parish".

Register of Cemeteries

5. The Diocesan Chief Executive shall maintain a register of Cemeteries in the Diocese of Newcastle and the Parish with which the Cemetery is associated.

Cemeteries Under the Care of the Bishop

6. Where a Cemetery is not associated with a Parish it shall be identified as being under the care of the Bishop. The Diocesan Chief Executive shall ensure the care, management and administration of any cemetery identified as being under the care of the Bishop.

I HEREBY CERTIFY the Ordinance as printed is in accordance with the Ordinance as reported.

PASSED BY DIOCESAN COUNCIL on the 31 January 2019.



Mrs Linda Wilson
Secretary, Diocesan Council

THE ASSENT of Peter Derrick James Stuart, Bishop of the Diocese was given to the above Ordinance on the 31st day of **January 2019** in the Tenth year of our Consecration.



PRESIDENT

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PART 3 - ORDINANCE ADMINISTRATION

Effective from	31 January 2019
Approved by	Diocesan Council acting as Synod
Policy Owner	Diocesan Council
Policy Administrator	Chief Operating Officer
Application	Members of Diocesan Boards, Councils and Committees
Last review date	N/A
Next review date	31 January 2024
Version	1
File reference	L101
Published externally	Yes

Table of Amending Instruments

Date	Instrument and Date of Commencement

Table of Amendments

Date	Section	Amendment

Related Documents

Cemeteries and Crematoria Act 2013 No 105 [NSW]

Synod (Delegation of Powers) Ordinance 2009
Ordinance Interpretation Ordinance 2011

Anglican Church of Australia Constitution Act 1902 (NSW)
Anglican Church of Australia Trust Property Act 1917 (NSW)
Anglican Church of Australia (Bodies Corporate) Act 1938
Corporations Act 2001 (Cth)

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