

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.

BACKGROUND

- A. The *Cemeteries of Ordinance 1935* has provided for the control and management of the Cemeteries within the Diocese of Newcastle
- B. The *Cemeteries and Crematoria Act 2013* No 105 [NSW]; provides statutory requirements governing the management and administration of places of burial.
- C. 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.

BE IT THEREFORE ORDAINED by the Diocesan Council as follows:

PART 1 – PRELIMINARY

Short Title

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

Repeal

- 2. The *Cathedral Ordinance 1935* is repealed.

Definitions

- 3. In this Ordinance, unless there is something in the subject or context which is inconsistent:

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 <i>Cemeteries and Crematoria Act 2013</i> No 105 [NSW].
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PART 2 – OPERATIVE PART

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,

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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;” and
- (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.

This document is current at the date of last review and is maintained electronically by the Anglican Diocese of Newcastle. Users should refer to the Newcastle Anglican website to confirm the currency of the instrument.

In Force Date: 26/03/2020

Last review: 26/03/2020

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