

[Extract from *Commonwealth of Australia Gazette*, No. 46, dated
13th July, 1939.]

AUSTRALIAN CAPITAL TERRITORY.

Regulations under the Cemeteries Ordinance 1933.

I HATTIL SPENCER FOLL, the Minister of State for the Interior,
hereby make the following Regulations under the *Cemeteries
Ordinance 1933*.

Dated this thirtieth day of June, 1939.

H. S. FOLL

Minister of State for the Interior.

CANBERRA PUBLIC CEMETERY REGULATIONS.

1. These Regulations may be cited as the Canberra Public Cemetery Citation.
Regulations.

2.—(1.) In these Regulations, unless the contrary intention Definitions.
appears—

“grave” means any burial place formed in the ground by
excavation, and without any internal wall of brickwork or
stonework, or any other artificial lining;

“the Cemetery” means the unleased land dedicated to the
purpose of a public cemetery by proclamation published in
the *Gazette* on the fifth day of April, 1934;

“the Groundsman” means the officer appointed as such in respect
of the Cemetery;

“the Secretary” means the person appointed as Secretary to
the Trustees;

“the Trustees” means the persons appointed as trustees of the
Cemetery;

“vault” means an underground burial place of any description
other than a grave.

(2.) In these Regulations, any reference to a Schedule shall be read
as a reference to a Schedule to these Regulations, and any reference to a
Form shall be read as a reference to a Form contained in the First
Schedule.

3.—(1.) Subject to sub-regulation (4.) of this regulation, the Meetings of
Trustees.
Trustees shall hold such meetings as, in the opinion of the Chairman, or
of at least three other trustees, are necessary for the efficient conduct
of their affairs. Notice in writing of each meeting shall be given to
each trustee by the Chairman or by the trustees convening the meeting,
as the case may be.

(2.) At meetings of the Trustees, a majority of trustees shall form
a quorum, and the Chairman shall have a deliberative vote and, in the
event of an equality of votes, a casting vote.

(3.) In the case of the illness or absence of the Chairman, the
trustees present shall appoint one of their number to act as Chairman.

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(4.) The Minister may at any time require the Chairman or the Secretary to call a meeting of the Trustees, and it shall be the duty of the Chairman or Secretary to call a meeting accordingly.

(5.) The Secretary shall keep minutes of the proceedings of all meetings of the Trustees.

Seal of the Trustees.

4.—(1.) The seal of the Trustees shall be in accordance with the design set out in the Second Schedule.

(2.) The seal shall always be deposited at the office of the Trustees and shall not be affixed to any instrument or document except in pursuance of a resolution of the Trustees and in the presence of two of the trustees, who shall sign the instrument or document:

Provided that a person dealing with the Trustees shall not be bound or concerned to see or inquire as to the authority under which any instrument or document is sealed or as to whether the seal was affixed to that instrument or document, or that instrument or document was signed, as required by this regulation.

Secretary.

5.—(1.) The Trustees may appoint some person to be Secretary to the Trustees.

(2.) In addition to such other duties as are imposed on him by these Regulations or by the Trustees, the Secretary shall, unless otherwise directed by the Trustees, have charge of the books and papers and other property of the Trustees.

Fees and charges.

6.—(1.) The fees and charges specified in the Third Schedule shall be payable in respect of the respective services specified in that Schedule.

(2.) The fees and charges shall be paid to the Receiver of Public Moneys at the office of the Department of the Interior, who shall receive and give a receipt for them.

(3.) A statement in writing that any amount is due for fees or charges under these Regulations, purporting to be signed by the Chairman of the Trustees or the Secretary, shall be *prima facie* evidence that that amount is so due.

(4.) The Trustees may at their discretion remit wholly or in part, or postpone payment of, any fees or charges payable under these Regulations.

(5.) For the purposes of the last preceding sub-regulation, the Trustees may require any person by whom any fee or charge is payable under these Regulations to tender such documents and other information as, in the opinion of the Trustees, are necessary in order to ascertain the ability of that person to pay that fee or charge.

(6.) Any fees or charges payable under these Regulations shall be a debt due to the Trustees and may be recovered in any Court of competent jurisdiction.

Trust Account.

7. All moneys paid under these Regulations shall be credited to the Trust Account established under the *Audit Act* 1901-1934 and known as the "Cemeteries Trust Account".

Payment of accounts.

8. Subject to certification by the Secretary, accounts shall be paid by the Department of the Interior from the Trust Account referred to in the last preceding regulation in accordance with the provisions of the *Audit Act* 1901-1934 and the Treasury Regulations.

9. Full and particular accounts of all moneys received and expended in each month in respect of the Cemetery shall be submitted by the Secretary of the Department of the Interior to the Trustees and the Chairman of the Trustees or the Secretary may at any reasonable time have access to all accounts and documents which relate to the Cemetery. Submission of accounts to Trustees.

10.—(1.) Subject to the next succeeding sub-regulation, the office of the Trustees shall be open during the following hours:— Office hours.

Mondays to Fridays—10 a.m. to 12.30 p.m.
1.30 p.m. to 4 p.m.

Saturdays—10 a.m. to 12 noon.

(2.) The office of the Trustees shall not be open on any day observed as a holiday in the Commonwealth Public Service in the Australian Capital Territory.

11. The Cemetery shall be open to the public during the following hours:— Cemetery hours

Mondays to Saturdays—8 a.m. to 4.45 p.m.
Sundays—8 a.m. to 5.30 p.m.

12. The Cemetery shall be open for the burial of the dead between the following hours:— Time of burial.

10 a.m. to 12 noon
2 p.m. to 4 p.m.:

Provided that the Chairman of the Trustees may, upon application by any person, permit a burial to take place at any time during which the Cemetery is open to the public.

13. The Trustees shall erect and from time to time maintain in good order a notice board in a conspicuous part of the Cemetery bearing the following information:— Notice board.

- (a) The name of the Cemetery.
- (b) The hours during which the Cemetery is open to the public.
- (c) The name of the Secretary, and the address of the office of the Trustees.

14. The Trustees shall cause a plan to be prepared showing the lay-out and detailed sub-division of the Cemetery. The plan shall be kept for reference in the office of the Trustees and a copy thereof shall be kept at the Cemetery. Plan of Cemetery.

15.—(1.) A person who desires to obtain the exclusive right of burial in any specified allotment in the Cemetery shall make an application to the Secretary in accordance with Form A. Exclusive rights to burial.

(2.) An application under the last preceding sub-regulation shall not be made for or on behalf of any other person by an undertaker or funeral director.

(3.) Where the Trustees have set apart and granted the exclusive right of burial in any specified allotment, the Secretary shall, upon payment of the prescribed fee, issue to the holder of that right a certificate in accordance with Form B.

(4.) The Trustees may, at their discretion, refuse to set apart and grant to any person the exclusive right of burial in more than one allotment.

(5.) An exclusive right of burial may be transferred or transmitted, and the Trustees shall record any transfer or transmission upon satisfactory proof thereof, and shall, upon production of the certificate of the exclusive right of burial, note the transfer or transmission upon the certificate:

Provided that the Trustees may refuse to record or note any transfer to any person who is already the holder of an exclusive right of burial.

(6.) The Secretary may, upon being satisfied that a certificate of exclusive right of burial has been lost or destroyed, and upon payment of the prescribed fee, issue a duplicate certificate.

Register of allotments, burials, &c.

16. The Trustees shall cause a register to be kept in which shall be entered—

(a) particulars of the sub-division of each portion of the Cemetery, and the appropriate number of each allotment, together with the name and address of any person to whom any exclusive right of burial has been set apart and granted;

(b) immediately after any burial, the name, description, and late address of the person buried, the date of burial, and the number of and particulars identifying the allotment; and

(c) particulars of the burial of any still-born child.

Inspection of register.

17.—(1.) The register referred to in the last preceding regulation shall be open to inspection at any time during office hours, on payment of the prescribed fee.

(2.) The Secretary shall, upon payment of the prescribed fee, furnish a copy of any entry in the register.

Permit for burial.

18.—(1.) A person shall not bury any dead body in the Cemetery unless a permit in accordance with Form C has been obtained from the Secretary.

(2.) On Sundays and holidays permits for burial may be issued by the Groundsman.

Certificate of death.

19. A permit for burial shall not be issued except on production of—

(a) the certificate of death issued in pursuance of the provisions of the *Registration of Births, Marriages and Deaths Ordinance 1929-1938*; and

(b) particulars of the length, breadth, and depth of the coffin.

Notice to the Groundsman.

20. At least twelve hours' notice of the time for any burial shall be given to the Secretary, and the permit provided for in regulation 18 of these Regulations shall be delivered to the Groundsman at least eight hours before the time fixed for the burial:

Provided that in cases of special emergency, where it is impracticable to give notice as provided by this regulation, such notice may be given as is determined by the Chairman of the Trustees.

Digging graves.

21. The Trustees shall be responsible for the digging of all graves.

Additional burials.

22. A person shall not be entitled to have an allotment reopened for the purpose of an additional burial therein unless he is the holder of the exclusive right of burial in respect of that allotment, or produces the written consent of the holder or, if the holder is dead, of the lawful successor of the holder.

23.—(1.) A person shall not cause or suffer any dead body to be buried in a vault unless— Burial in vaults.

- (a) the body is enclosed in a wooden shell;
- (b) the wooden shell is enclosed in lead and hermetically sealed; and
- (c) the whole is enclosed in a coffin.

(2.) A certificate of compliance with the last preceding sub-regulation, signed by the undertaker supplying the coffin, shall be furnished to the Groundsman.

24.—(1.) Not more than two adults shall be buried in any one allotment, and the upper surface of a coffin shall not in any case be less than three feet six inches below the natural surface of the soil. Number of burials in an allotment.

(2.) For the purpose of the last preceding sub-regulation, two children under the age of ten years shall be deemed to be one adult.

(3.) The second burial shall not take place before the expiration of six months from the date of the first burial.

(4.) When a grave is opened for the purpose of a second burial, the excavation shall be so made as to leave a layer of earth not less than six inches in thickness above the upper surface of the first coffin.

(5.) Ashes of a cremated body may be buried in an allotment subject to such conditions as are determined by the Trustees.

25. A person shall not on any Saturday or Sunday remove any dead body or the remains thereof from any allotment for the purpose of re-burial in another allotment or removal to another cemetery. Removal of dead body.

26.—(1.) A person shall not erect any monument, tablet, gravestone, vault, kerbing, railing or other structure, or place any inscription thereon, in the Cemetery— Design and construction of monuments.

(a) unless an application in writing for permission to do so has been made to the Trustees, accompanied by the prescribed fee;

(b) unless plans and particulars thereof have been submitted to and approved by the Trustees and a permit obtained; and

(c) otherwise than in accordance with the plans and particulars so approved.

(2.) The erection of any monument, tablet, gravestone, vault, kerbing, railing or other structure, or the placing of any inscription thereon shall be carried out to the satisfaction of the Trustees.

27. The Trustees may at their discretion remove, alter or repair any monument, tablet, gravestone, vault, kerbing, railing or other erection in the Cemetery, or any inscription thereon which, in their opinion, is dangerous, unsightly, or in disrepair, or has not been erected in accordance with the plans and particulars approved by the Trustees. Monuments, inscriptions &c., alterations or renewals.

28. A person shall not plant any tree or shrub in the Cemetery unless he has first obtained the written consent of the Trustees. Trees and shrubs.

29.—(1.) Any mason or other workman who performs any work in, on, or to any monument, tablet, gravestone, vault, kerbing, railing or other erection in the Cemetery shall, to the satisfaction of the Trustees, clear away all refuse, rubbish and unsightly material resulting from that work, and shall make good all damage done by him or his servants. Masons and other workmen to leave grounds in clean and tidy conditions.

(2.) If any mason or other workman fails to clear away any refuse, rubbish or unsightly material, or to make good any damage, in accordance with the provisions of the last preceding sub-regulation, within such time as the Trustees think reasonable, the Trustees may perform the work which the mason or other workman has failed to do, and any expense incurred by the Trustees in so doing shall be a debt due by the mason or other workman to the Trustees, payable on demand, and recoverable in any court of competent jurisdiction.

Certain vehicles
not to be used
in cemetery.

30. A person shall not—

- (a) draw heavy materials over any road or path of the cemetery while the road or path is wet; or
- (b) use in the cemetery any handcart the wheel tyres of which are less than six inches in width.

Interference
with
allotments.

31. Any person shall not interfere with any allotment without the written authority of the Trustees, unless he is the holder of the exclusive right of burial in the allotment, or the authorized agent of the holder of that right.

Traffic.

32. A person shall not—

- (a) disobey a direction of the Groundsman with respect to—
 - (i) the parking of any vehicle; or
 - (ii) the route or direction upon which any vehicle shall proceed;
- (b) fail to observe the provisions of any notice erected by the Trustees with respect to pedestrian or vehicular traffic; or
- (c) suffer or permit any animal to trespass upon the cemetery.

Offences.

33. A person shall not within the cemetery—

- (a) sell or buy any article or thing;
- (b) distribute any hand-bill, card, circular or advertisement;
- (c) take part in any meeting, other than of a religious or commemorative character, or in connexion with a burial;
- (d) disturb any funeral service, whether by working in the neighbourhood, or otherwise;
- (e) discharge any firearms, except at a military funeral;
- (f) wantonly damage or disturb any real or personal property or disturb flowers or other tokens;
- (g) throw, cast or lay, or cause to be thrown, cast or laid, in or upon the Cemetery, any refuse, or rubbish, except in receptacles provided for the purpose, or any offensive, noxious or dangerous matter; or
- (h) commit any breach of the peace or nuisance, or otherwise offend against decency or decorum.

Removal of
offenders.

34. Any person who commits an offence against, or contravenes, any provision of these Regulations, may forthwith be removed from the Cemetery by any trustee or officer or servant of the Trustees, or by any constable or officer of police.

Penalty.

35. Any person who contravenes, or fails to comply with, any provision of these Regulations, shall be guilty of an offence.

Penalty: Ten pounds.

THE SCHEDULES.

FIRST SCHEDULE.

Form A.

Reg. 15(1.)

CANBERRA PUBLIC CEMETERY REGULATIONS.

Application for Exclusive Right of Burial.

I, the undersigned, apply for the setting apart and granting of the exclusive right of burial in* allotment in the headstone area of the allotments in the lawn portion of the Canberra Public Cemetery.

† It is requested that the certificate of exclusive right of burial be issued in the name of of

Dated this day of , 19 .

Signature of Applicant‡

Address

* Indicate the number of allotments it is desired to purchase.

† Indicate in which denominational portion of the cemetery it is desired to purchase an allotment.

‡ This application must not be signed by an undertaker or funeral director, if made for or on behalf any other person.

Form B.

Reg. 15(3.)

CANBERRA PUBLIC CEMETERY REGULATIONS.

Certificate of Exclusive Right of Burial.

This is to certify that

of has paid to the Trustees of the Canberra Public Cemetery the sum of (£ : :) and in consideration of that payment the said Trustees have set apart and granted to the said the exclusive right of burial in allotment No. feet by feet, Section Portion in the

Canberra Public Cemetery, subject to the conditions prescribed by the Ordinance and Regulations for the time being in force relating to the said Cemetery.

Dated this day of , 19 .

Secretary to the Trustees.

(Transfer to be Endorsed).

I, hereby transfer to

of all my right, title, and interest in and under the within right of burial.

Dated this day of 19 .

(Signature)

Witness

(The grantee may be requested to produce this certificate in proof of his interest, and is advised to keep it in a place of safety.)

Form C.

Reg. 18.

CANBERRA PUBLIC CEMETERY REGULATIONS.

Burial Permit.

Permission is hereby given for the burial of the remains of of

at o'clock, on in allotment section portion of the Canberra Public Cemetery.

Dated this day of , 19 .

Secretary to the Trustees.

SECOND SCHEDULE.
DESIGN OF TRUSTEES' SEAL.



THIRD SCHEDULE.

FEES AND CHARGES PAYABLE UNDER THE CANBERRA PUBLIC
CEMETERY REGULATIONS.

Reg. 6.

| Day. | Adult. | | Child under four years and still-born child. | | Ashes of one person. | |
|---|--------|-------|--|-------|----------------------|-------|
| | £ | s. d. | £ | s. d. | £ | s. d. |
| 1. For Certificate of exclusive right of burial in one allotment. | 1 | 0 0 | | | | |
| 2. For Certificate of exclusive right of burial of ashes in one allotment | 0 | 10 0 | | | | |
| 3. For Certificate of exclusive right of burial in each additional allotment | 1 | 0 0 | | | | |
| 4. For Permit to bury and burial charge:— | | | | | | |
| Monday to Friday | 2 | 10 0 | 1 | 10 0 | } 0 10 0 | |
| Saturdays | 3 | 15 0 | 2 | 5 0 | | |
| Sundays and holidays | 5 | 0 0 | 3 | 0 0 | | |
| 5. Removal of corpse from one allotment to another (not including the removal and replacement of monument or improvement of the grave allotment for which authority has been granted) | | | | | 5 | 0 0 |
| 6. Removal of corpse to another Cemetery (not including removal and replacement of monument or any improvement of the grave allotment for which authority has been granted) | | | | | 5 | 0 0 |
| 7. Duplicate Certificate of exclusive right of burial | | | | | 0 | 5 0 |
| 8. Search in Register | | | | | 0 | 1 0 |
| 9. Copy of entry in Register | | | | | 0 | 2 6 |
| 10. On application for permission to erect any stone kerbing, including covering grave with tiles, cement or chips | | | | | 0 | 10 0 |
| 11. On application for permission to erect any gravestone, tablet or slab | | | | | 1 | 0 0 |
| 12. On application for permission to erect any monument or other structure | | | | | 2 | 10 0 |
| 13. On application for permission to erect any ground tablet in a lawn area | | | | | 0 | 10 0 |
| 14. For the issue of a permit pursuant to any application referred to in Items 10 and 13 (inclusive) of this Schedule | | | | | 0 | 2 6 |

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra