

Regulations under the *Cemeteries Ordinance 1952-1966*

I, ROGER LEVINGE DEAN, the Administrator of the Northern Territory of Australia, having received the advice of the Administrator's Council, in pursuance of the powers conferred on me by the *Cemeteries Ordinance 1952-1966* and the *Administrator's Council Ordinance 1959-1963*, hereby make the following Regulations.

Dated this second day of March, 1967.

R. L. DEAN,
Administrator

CEMETERIES REGULATIONS

1. These Regulations may be cited as the Cemeteries Regulations. Citation
2. These Regulations shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.[†] Commencement
3. In these Regulations, unless the contrary intention appears— Definitions
 - “grave” means a burial place formed in the ground by excavation and without any internal wall of brickwork, stonework or other artificial lining;
 - “lawn burial area” means a separate portion of a public cemetery set apart as a lawn burial area pursuant to regulation 24 of these Regulations;
 - “the Ordinance” means the *Cemeteries Ordinance 1952-1966*;
 - “vault” means any underground burial place other than a grave.
- 4.—(1.) The common seal of a Board shall not be affixed to any instrument or document except in pursuance of a resolution passed at a meeting of the Board and in the presence of two members of the Board who shall sign the instrument or document. Common seal of Board
 - (2.) A person dealing with a Board 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.
5. A curator shall have power to do anything necessary for the upkeep, maintenance, improvement and management of the public cemetery for which he has been appointed and to do anything incidental thereto Powers of curators

* Notified in the *Northern Territory Government Gazette* on 15 March, 1967.

† The date fixed was 6 March, 1963 (see *Northern Territory Government Gazette* No. 11 of 6 March, 1968, page 58).

and, without limiting the generality of the foregoing, a curator shall have, in respect of the cemetery for which he has been appointed, the same powers, functions and duties with respect to the granting of exclusive rights of burial as a Board has in respect of the public cemetery for which it has been appointed.

Remuneration
of curator

6. A curator of a public cemetery shall receive such remuneration as the Administrator determines.

Fees and
charges

7.—(1.) The Chairman of a Board or a curator may certify in writing that an amount specified in the certificate is an amount due and payable under the Ordinance or these Regulations by the person specified in the certificate in respect of the fee or charge under the Ordinance or these Regulations specified in the certificate.

(2.) A certificate referred to in the last preceding sub-regulation shall be *prima facie* evidence of the facts stated in it.

(3.) A Board or curator may remit wholly or in part, or postpone payment of, any fee or charge payable under the Ordinance or these Regulations.

(4.) A fee or charge payable under the Ordinance or these Regulations shall be a debt due to the Board or curator, as the case may be, recoverable in any court of competent jurisdiction.

Prescribed
fee under
section 29
(1.) of
Ordinance

8. The prescribed fee for the purposes of sub-section (1.) of section 29 of the Ordinance is Ten dollars.

Notice
Board

9. The Board or curator of a public cemetery shall erect and maintain in good order and condition a notice board in a conspicuous place within the cemetery showing—

- (a) the name of the cemetery;
- (b) the hours during which the cemetery is open to the public; and
- (c) the name of the Chairman of the Board or of the curator and the address of the office of the Board or curator.

Cemetery
register

10. Each Board and each curator shall, in respect of the public cemetery in respect of which it or he has been appointed, cause to be kept a register in which shall be entered—

- (a) the name, sex, age, country of birth, occupation immediately prior to death, place of residence immediately prior to death, date of death and date of burial of any deceased person whose body is buried in the cemetery, together with the number of and particulars identifying the allotment in which the body is buried, the depth of the grave in which the body is buried, whether a lead lined coffin was used for the burial, descriptive particulars (including the date of erection) of any monument, tombstone, headstone, tablet, gravestone or other structure erected on the grave, and the name of the minister of religion who officiated at the burial ceremony;
- (b) particulars of any exclusive right of burial granted, including the number or numbers of the allotment or allotments in respect of which the right was granted and the name and address of the grantee; and

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

11.—(1) Each Board and each curator shall cause to be prepared a plan of the public cemetery in respect of which it or he has been appointed showing the lay-out of the cemetery, including—

Cemetery plan

- (a) the subdivision and proposed subdivision of the cemetery; and
- (b) the location and number of each allotment.

(2.) The plan shall be kept at the office of the Board or curator.

12. Any person may, upon payment to the Board or curator of a public cemetery of a fee of Twenty-five cents, inspect at any reasonable time the register kept in accordance with regulation 10 of these Regulations or the plan prepared in accordance with the last preceding regulation in respect of that cemetery.

Inspection of register and plan

13.—(1) A person shall not, except under licence granted by the Administrator under section 39A of the Ordinance, undertake a funeral or accept a fee for the undertaking of a funeral in a cemetery in respect of which a curator has been appointed under section 38 of the Ordinance.

Licences for funerals

(2.) An application for a licence under section 39A of the Ordinance shall be in writing and shall be forwarded to the Administrator, accompanied by a fee of Ten dollars.

14.—(1) Subject to the next succeeding sub-regulation, a public cemetery shall be open for the burial of deceased persons from 8 o'clock in the morning to 5.30 o'clock in the afternoon each day.

Burial times

(2.) The Board or curator of a public cemetery may, upon application by any person, permit a burial to take place in the cemetery at any time during which the cemetery is open to the public.

15. A person shall not bury the body of a deceased person in a public cemetery unless a permit for the burial of that body has been obtained from the Board or curator of that cemetery.

Burial with permit

16.—(1) Subject to the next succeeding sub-regulation, a Board or curator of a public cemetery shall not issue a permit for the burial of the body of a deceased person in the cemetery except upon production to the Board or curator of—

Procedure for obtaining burial permit

- (a) a notice of interment in accordance with Form 1 in the Schedule to these Regulations;
- (b) the medical certificate issued in respect of the death of that person under the provisions of section 33 of the *Registration of Births, Deaths and Marriages Ordinance 1962*;
- (c) an authorization (if any) by a coroner under section 32 of that Ordinance in respect of the death of that person; and
- (d) particulars of the length, breadth and depth of the coffin to be used for the burial of the body of that person.

(2.) The Board or curator may issue the permit referred to in the last preceding sub-regulation before the medical certificate referred to in paragraph (b) of that sub-regulation has been produced if the Board or curator is satisfied with the reason given for it not being produced.

(3.) Where the Board or curator issues a permit in pursuance of the last preceding sub-regulation and the medical certificate referred to in paragraph (b) of sub-regulation (1.) of this regulation is not produced to the Board or curator within ten days of the date of issue of the permit, the Board or curator shall report to the Registrar of Births, Deaths and Marriages for the Territory the fact that it was not produced.

Burial in
allocated
grave

17. A person shall not bury the body of a deceased person in a public cemetery except in the particular grave allocated by the Board or curator of that cemetery for the burial of that body.

Certificate of
exclusive right
of burial

18.—(1.) Where a Board or curator of a public cemetery grants to a person an exclusive right of burial in a grave, vault or burial ground comprising one or more allotments in the cemetery, it or he shall issue to that person a certificate in accordance with Form 2 in the Schedule to these Regulations.

(2.) An exclusive right of burial may be transferred, and, upon production to the Board or curator of—

- (a) the certificate referred to in the last preceding sub-regulation relating to that exclusive right of burial; and
 - (b) evidence of the transfer of that exclusive right of burial,
- the Board or curator shall, subject to the next succeeding sub-regulation—
- (c) record the transfer in the register kept in respect of the cemetery by virtue of regulation 10 of these Regulations;
 - (d) note the transfer upon the certificate; and
 - (e) deliver up the certificate to the transferee.

(3.) The Board or curator of a public cemetery may refuse to record or note a transfer of an exclusive right of burial to a person who is already the holder of an exclusive right of burial in respect of that cemetery.

(4.) A transfer of an exclusive right of burial shall not confer any rights against the Board or curator of the public cemetery in which the allotment or allotments the subject of the right is or are situated unless and until it has been noted on the certificate in accordance with sub-regulation (2.) of this regulation.

(5.) The Board or curator of a public cemetery may, upon being satisfied that a certificate of exclusive right of burial has been lost or destroyed, and upon payment of a fee of Fifty cents, issue a duplicate certificate.

(6.) A Board or curator of a public cemetery may accept the surrender of an exclusive right of burial and may refund to the person surrendering his right an amount not exceeding three-fourths of the fee paid in respect of the right.

Double
burials in
grave

19.—(1.) A person shall not be entitled to have an allotment in a public cemetery which has already been used for the burial of the body of a deceased person re-opened for the purpose of a second burial therein unless he is the holder of an exclusive right of burial in respect of that allotment or produces to the Board or curator of the cemetery the written consent of the holder of that right, or, if the holder is dead, of the lawful successor to the holder.

(2.) 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 on the grave.

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

(4.) The second burial shall not take place unless—

(a) where the first burial was of a person who, at the time of his death, was ten years of age or older—three years have elapsed since the date of the first burial;

(b) where the first burial was of a person who, at the date of his death, was less than ten years of age but not less than five years of age—two years have elapsed since the date of the first burial;

(c) where the first burial was of a person who, at the date of his death was less than five years of age—one year six months have elapsed since the date of the first burial.

(5.) Where a grave is re-opened for the purpose of a second burial therein, 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 coffin of the first burial.

20. Notwithstanding anything contained in these Regulations, only one body shall be buried in each of any allotments that are set apart pursuant to sub-section (1.) of section 7 of the Ordinance for the burial of deceased persons referred to in paragraph (b) or (c) of that section.

Military graves

21.—(1.) A person shall not bury, or cause or suffer to be buried, the body of a deceased person in a vault unless—

Burial in vault

(a) the vault consists of brick or stone set in cement and covered by a slate, stone, concrete or glass slab;

(b) the body is encased in wood;

(c) the wooden encasement is enclosed in lead and hermetically sealed; and

(d) the whole is enclosed in a coffin.

(2.) The undertaker who supplies the coffin for a burial in a vault shall, at the time of the burial, furnish to the Board or curator of the cemetery at which the burial takes place, a statement in writing under his hand to the effect that the provisions of sub-regulation (1.) of this regulation have been complied with in respect of the burial.

22. The Board or curator of a public cemetery shall have the control and management of the digging of all graves in the cemetery.

Digging of graves

23.—(1.) Subject to the next succeeding sub-regulation a grave dug in a public cemetery shall be of a depth of not less than—

Depth of graves

(a) five feet where the deceased person whose body is to be buried in the grave was, at the date of his death, less than eight years of age; and

(b) six feet in any other case.

(2.) A grave dug on an allotment in respect of which an exclusive right of burial has been granted shall be of a depth of not less than seven feet six inches.

24.—(1.) Subject to this regulation, the Board or curator of a public cemetery may set apart as a lawn burial area any separate portion of the cemetery.

Lawn burial areas

(2.) The Board or curator shall not exercise its or his powers under the last preceding sub-regulation so as to reduce below a reasonable area the area of the cemetery in which, subject to the provisions of these

Regulations, a monument, tombstone, headstone, tablet, gravestone, vault, kerbing, railing or other structure may be erected.

(3.) A person shall not erect on or place in a lawn burial area any structure other than a tablet of the type approved by the Board or curator.

Removal of
bodies

25.—(1.) A person shall not, without the approval in writing of the Administrator or a person authorized in writing by the Administrator to give such approval, remove a body or the remains of a body from an allotment of a public cemetery for the purpose of re-burial in another allotment of that cemetery or another cemetery.

(2.) A person who removes a body or the remains of a body from an allotment in a public cemetery for the purpose of re-burial in another allotment in that cemetery or another cemetery shall take such sanitary precautions as the Administrator directs.

Erection of
structures

26.—(1.) A person shall not erect any monument, tombstone, headstone, tablet, gravestone, vault, kerbing, railing or other structure in a public cemetery—

- (a) unless an application in writing for permission to do so has been made to the Board or curator of the cemetery, accompanied by a fee of Three dollars:
- (b) unless a plan and particulars thereof have been submitted to and approved by the Board or curator; and
- (c) otherwise than in accordance with the plan and particulars so approved.

(2.) The erection of any monument, tombstone, headstone, tablet, gravestone, vault, kerbing, railing or other structure in a public cemetery shall be carried out to the satisfaction of the Board or curator of the cemetery.

Monuments,
inscriptions
&c., alterations
or renewals.

27. The Board or curator of a public cemetery may remove, alter or repair any monument, tombstone, headstone, tablet, gravestone, vault, kerbing, railing or other structure in the cemetery, or any inscription thereon which, in its or his opinion, is dangerous, unsightly or in disrepair, or has not been erected in accordance with a plan and particulars approved by the Board or curator.

Masons and
other workmen

28.—(1.) Any mason or other workman who performs any work in, on or to any monument, tombstone, headstone, tablet, gravestone, vault, kerbing, railing or other structure in a public cemetery shall, to the satisfaction of the Board or curator of the cemetery, clear away all refuse, rubbish and unsightly material resulting from that work, and shall make good all damage done by him or his servants.

(2.) If the mason or other workman fails to clear away any refuse, rubbish or unsightly material, or to make good any damage done by him or his servants, in accordance with the last preceding sub-regulation within such time as the Board or curator thinks reasonable, the Board or curator may clear away that refuse, rubbish or unsightly material or make good that damage and any expense incurred by the Board or curator in so doing shall be a debt due by the mason or other workman to the Board or curator, payable on demand, and recoverable in any court of competent jurisdiction.

29. A person shall not, without the written authority of the Board or curator of a public cemetery, interfere with any allotment in the cemetery unless he is the holder of an exclusive right of burial in respect of that allotment or the authorized servant or agent of the holder of that right.

Interference
with
allotments

30. A public cemetery shall be open to the public from sunrise to sunset each day.

Visiting
hours

31. A person shall not, without the consent in writing of the Board or curator of a public cemetery, enter, remain or be in the cemetery at any time between sunset on any day and sunrise on the next succeeding day.

Person in
cemetery
at night

32. A person shall not, without the consent of the Board or curator of a public cemetery—

Planting of
trees, covering
of graves, &c.

- (a) plant a tree or shrub in the cemetery;
- (b) cover a grave in the cemetery with tiles, cement, chips or any other covering; or
- (c) place an inscription on a monument, tombstone, headstone, tablet, gravestone, vault, kerbing, railing or other structure in the cemetery.

33. A person shall not—

Vehicles

- (a) except for the purpose of a burial ceremony, drive any hearse or mourning coach of any kind within a public cemetery;
- (b) draw heavy materials over any road or path within the cemetery while the road or path is wet; or
- (c) use in the cemetery any handcart the wheel tyres of which may, in the opinion of the Board or the curator of the cemetery, be detrimental to, or to the appearance of, the surface of the earth in the cemetery.

34. A person shall not—

Traffic

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

35. A person shall not, in a public cemetery—

Offences

- (a) sell or buy any article or thing;
- (b) distribute any handbill, card, circular or advertisement other than of a religious nature concerned with a particular burial;
- (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 or burial ceremony, whether by working in the neighbourhood or otherwise;

- (e) discharge any firearm, 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;
- (h) commit any breach of the peace or nuisance, or otherwise offend against decency or decorum;
- (i) injure or interfere with any trees or shrubs;
- (j) erect any wooden structure or fence;
- (k) without the authority of the Board or curator of the cemetery disturb or interfere with any grave; or
- (l) suffer or permit any child in his custody to behave in an indecorous manner in the cemetery.

Offence and penalty

36. Any person who contravenes or fails to comply with any provision of these Regulations shall be guilty of an offence punishable upon conviction by a fine not exceeding One hundred dollars.

Removal of offenders

37. Any person who, in a public cemetery, commits an offence against or contravenes any provision of these Regulations may forthwith be removed from the cemetery by the Board or curator of the cemetery, any officer or servant of the Board or curator or any constable or officer of police.

Posting of regulations

38. The Board or curator of a public cemetery shall cause a copy of these Regulations to be posted and kept posted in a conspicuous place in the cemetery as near as practicable to the main entrance to the cemetery.

THE SCHEDULE

Form 1

Regulation 16 (1.) (a)

THE NORTHERN TERRITORY OF AUSTRALIA
 Cemeteries Ordinance 1952-1966
 NOTICE OF INTERMENT

To the
(Board or curator)

at
(Location of cemetery)

Names of deceased

Address (immediately prior to death) of deceased

Age of deceased

Sex of deceased

Marital status of deceased

Date of death

Place of death

Manner of death

Dated this day of, 19 ..

(Signature of applicant for burial permit)

Form 2

Regulation 18 (1.)

THE NORTHERN TERRITORY OF AUSTRALIA
Cemeteries Ordinance 1952-1966
CERTIFICATE OF A GRANT OF EXCLUSIVE RIGHT OF BURIAL

I,
(Full name of Board or curator)

..... for the public cemetery
(Board or curator)

situated at
(Location and name of cemetery)

certify that the right to burial allotment(s) numbered
has

on the plan of the said cemetery have been reserved to
(Name of grantee)

has

The burial allotment(s) have been reserved for the burial of

Dated this day of , 19 .

Curator
Board of Trustees
