



CITY OF
MITCHAM

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013

28 OCTOBER 2022

Delegation Sources

- Burial and Cremation Act 2013

Positions

Abbreviation	Position	Name
Chief Executive Officer	Chief Executive Officer	
General Manager Corporate Services and Innovation	General Manager Corporate Services and Innovation	
GM Development and Community Safety	General Manager Development and Community Safety	
GM Engineering and Horticulture	General Manager Engineering and Horticulture	
Group Manager City Operations	Group Manager City Operations	
Manager City Maintenance	Manager City Maintenance	
Manager Finance and Rates	Manager Finance and Rates	
Manager Property and Facilities	Manager Property and Facilities	

Instrument of Delegation under the Burial and Cremation Act 2013

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 8(2)	Approve the interment of bodily remains	General Manager Corporate Services and Innovation, Manager Finance and Rates		council
section 13(4)	Inter additional bodily remains	Chief Executive Officer		relevant authority for cemetery or crematorium
section 13(6)	Be consulted by the Attorney-General regarding the opening of an interment site, exhumation or removal of bodily remains or re-interment of bodily remains	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 18(1)	Ensure that cremated remains are only released to an authorised person	Chief Executive Officer		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(2)	Dispose of cremated remains	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 19	Establish a cemetery, natural burial ground or crematorium	General Manager Corporate Services and Innovation, Manager Finance and Rates		council
section 20	Establish and manage a public mortuary	General Manager Corporate Services and Innovation, Manager Finance and Rates		council
section 21	Establish a mausoleum	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 22	Provide part of a cemetery as a natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 23	Set apart part of a cemetery or natural burial ground for a particular religion	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 24(1)	Close a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 24(2)	Provide notice of proposed closure of a cemetery or natural burial ground	Chief Executive Officer		relevant authority for cemetery or crematorium
section 24(5)	Provide details of representations or submissions to the Minister regarding the proposed closure of a cemetery or natural burial ground	Chief Executive Officer		relevant authority for cemetery or crematorium
section 24(8)(a)	Discharge unexercised interment rights and provide a refund by agreement with the interment holder on closure of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 24(8)(b)	Discharge unexercised interment rights and issue a new interment right by agreement with the interment holder on closure of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 24(9)(a)	Discharge interment rights and issue a new interment right with the interment holder on closure of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 24(9)(b)	Remove and re-inter human remains by agreement with the interment holder on closure of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 24(9)(c)	Remove and reposition a memorial by agreement with the interment holder on closure of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 24(10)	Referral of matter for mediation if agreement cannot be reached on the discharge of an interment right on closure of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 24(11)	Pay for mediation with respect to the discharge of an interment right on closure of a cemetery or natural burial ground	Chief Executive Officer		relevant authority for cemetery or crematorium
section 24(12)(a)	Offer land as a gift on closure of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 24(14)	Prepare an inventory prior to closure of a cemetery or natural burial ground identifying all graves and memorial, a record of all inscriptions and other particulars on memorials and a photograph of each memorial	Chief Executive Officer		relevant authority for cemetery or crematorium
section 24(15)	Make the inventory of graves and memorials available to the public	Chief Executive Officer		relevant authority for cemetery or crematorium
section 25(1)	Petition the Minister to have trust on which land is held by council which was formerly a cemetery or natural burial ground determined and the land	Chief Executive Officer		council

Burial and Cremation Act 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	dedicated as park lands			
section 25(5)	Pay costs of advertising or inquiry related to the determination of a trust and dedication of land as park lands	Chief Executive Officer		council
section 25(4)(a)	Remove memorials if a closed cemetery is dedicated as park lands	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 25(4)(b)	Relocate memorials if a closed cemetery is dedicated as park lands	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 25(4)(c)	Replace memorials if a closed cemetery is dedicated as park lands	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 26(2)	Convert a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council into a	GM Engineering and Horticulture, General Manager Corporate		relevant authority for cemetery or

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	public park or garden	Services and Innovation, Manager Finance and Rates, Manager Property and Facilities		crematorium
section 26(3)	Give notice of intention to convert a cemetery into a public park where the cemetery is not on land held on trust by the council or that includes land under the care, control and management of a council	Chief Executive Officer		relevant authority for cemetery or crematorium
section 26(6)(a)	Remove memorials from a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 26(6)(b)	Relocate memorials from a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section	Replace memorials a closed cemetery which is not	General Manager Corporate		relevant authority for

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
26(6)(c)	on land held on trust by the council or that includes land under the care, control and management of a council	Services and Innovation, Manager Finance and Rates		cemetery or crematorium
section 27(1)(a)	Construct roads and pathways for purpose of converting closed cemetery into a public park or garden	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 27(1)(b)	Erect or construct buildings for purpose of converting closed cemetery into a public park or garden	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 27(1)(c)	Construct a vault or other repository for human remains for purpose of converting closed cemetery into a public park or garden	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 27(1)(d)	Erect lighting, seating or other infrastructure or public amenity for purpose of converting closed cemetery into a public park or garden	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 27(1)(e)	Take such other action for laying out land as parklands or a public place or garden for purpose of converting closed cemetery into a public park or garden	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 28(1)	Provide notice of cemetery or natural burial ground closure to the Registrar	Chief Executive Officer		relevant authority for cemetery or crematorium
section 28(2)	Provide notice of crematorium closure to the Registrar or the Environment Protection Authority	Chief Executive Officer		relevant authority for cemetery or crematorium
section 28(3)	Forward records of closed cemetery, natural burial ground or crematorium to the Libraries Board of South Australia	Chief Executive Officer		relevant authority for cemetery or crematorium
section 30(1)	Agree to the interment of human remains	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 30(1)	Issue an interment right	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 30(2)	Provide statement in plain English setting out rights and responsibilities in regard to an interment right to person applying for an interment right	Chief Executive Officer		relevant authority for cemetery or crematorium
section 30(5)	Carry out a lift and deepen procedure	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 32(1)	Renew interment right	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 32(1)	Fix renewal fee	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 32(2)	Provide notice of interment right expiry	Chief Executive Officer		relevant authority for cemetery or crematorium
section 32(3)	Provide statement in plain English setting out rights and responsibilities in regard to an interment right to person renewing interment right	Chief Executive Officer		relevant authority for cemetery or crematorium
section 33(1)	Transfer an interment right	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 33(3)	Record interment right transfer in register	Chief Executive Officer		relevant authority for cemetery or crematorium
section 34(1)	Receive surrendered interment right	Chief Executive Officer		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34(2)	Provide a refund on the surrender of an unexercised interment right	Chief Executive Officer		relevant authority for cemetery or crematorium
section 37(1)	Keep a register of interment rights	Chief Executive Officer		relevant authority for cemetery or crematorium
section 37(2)	Record information in the interment rights register	Chief Executive Officer		relevant authority for cemetery or crematorium
section 38(1)(a)	Reuse an interment site on expiry of an interment right	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 38(1)(b)	Remove a memorial on expiry of an interment right	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 38(2)(a)	Give notice of intention to reuse an interment site by public advertisement	Chief Executive Officer		relevant authority for cemetery or crematorium
section 38(2)(b)	Give notice of intention to reuse an interment site by notice to the personal representative of the deceased	Chief Executive Officer		relevant authority for cemetery or crematorium
section 39(2)	Deal with and dispose of a memorial in accordance with the Burial and Cremation Act	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 40	Enter into an agreement with an interment right holder to maintain memorial	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 41(1)	Provide notice requiring repair, removal or reinstatement of memorial	General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Manager		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Finance and Rates		
section 41(2)	Carry out repair, removal or reinstatement work	General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 41(2)	Recover costs of work repairing, removing or reinstating a memorial	General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 41(3)	Carry out repair, removal or reinstatement work	General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Manager		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Finance and Rates		
section 41(3)	Recover costs of work repairing, removing or reinstating a memorial	General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 42(1)	Remove and dispose of memorial where interment right has expired	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 42(1)(c)	Give notice of intention to remove and dispose of a memorial on expired interment site by public advertisement and notice affixed to the memorial	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 42(1)(d)	Give notice of intention to remove and dispose of a memorial on expired interment site by public notice to owner of memorial	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 42(2)	Keep prescribed records of disposed memorials	Chief Executive Officer		relevant authority for cemetery or crematorium
section 43(a)	Enlarge a cemetery, natural burial ground or crematorium	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 43(b)	Improve or embellish a cemetery, natural burial ground or crematorium	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 43(c)	Restrict interments in any part of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 43(d)	Take action for proper management and maintenance of a cemetery, natural burial ground or crematorium	GM Development and Community Safety, Manager Property and Facilities		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45	Restrict interments in any part of a cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 46(1)	Issue notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	General Manager Corporate Services and Innovation, Manager Finance and Rates, Manager Property and Facilities		council
section 46(1)	Respond to notice from the Minister that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	Chief Executive Officer		relevant authority for cemetery or crematorium
section 47(1)	Apply for review of decision requiring work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	Chief Executive Officer		relevant authority for cemetery or crematorium
section	Receive land used as a cemetery or natural burial	General Manager Corporate Services and Innovation,		council

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
48(1)	ground on trust	Manager Finance and Rates, Manager Property and Facilities		
section 49(1)	Assume administration of cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		council
section 49(1)(c)	Agree to transfer administration of cemetery or natural burial ground	General Manager Corporate Services and Innovation, Manager Finance and Rates		council
section 50(1)	Allow access to of cemetery, natural burial ground or crematorium	Chief Executive Officer		relevant authority for cemetery or crematorium
section 50(2)	Require person to leave cemetery, natural burial ground or crematorium	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 51(1)	Deal with land used as a cemetery or natural burial ground in ordinary course of commerce	Chief Executive Officer		relevant authority for cemetery or crematorium
section 52	Deal with land which was a cemetery or natural burial ground closed in accordance with the Burial and Cremation Act in ordinary course of commerce	General Manager Corporate Services and Innovation, Manager Finance and Rates		council
section 53(1)	Keep registers and plan prescribed by Burial and Cremation Act	Chief Executive Officer		relevant authority for cemetery or crematorium
section 53(3)	Keep records prescribed by Burial and Cremation Act	Chief Executive Officer		relevant authority for cemetery or crematorium
section 53(4)	Make registers prescribed by Burial and Cremation Act publicly available	Chief Executive Officer		relevant authority for cemetery or crematorium

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 53(5)	Produce a register prescribed by Burial and Cremation Act for inspection	Chief Executive Officer		relevant authority for cemetery or crematorium
section 56(1)	Request Public Trustee to act for interment right holder	General Manager Corporate Services and Innovation, Manager Finance and Rates		relevant authority for cemetery or crematorium
section 58(2)	Appoint authorised officers	General Manager Corporate Services and Innovation, Manager Finance and Rates		council
section 58(3)	Impose conditions on appointment of an authorised officer	General Manager Corporate Services and Innovation, Manager Finance and Rates		council
section 58(4)	Issue identity card to an authorised officer	Chief Executive Officer		council
section	Vary or revoke appointment or impose further	General Manager Corporate		council

Burial and Cremation Act 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
58(7)	conditions on an authorised officer	Services and Innovation, Manager Finance and Rates		