

Cemeteries and Crematoria Act 2003

|  |
| --- |
| Instrument of delegation |
| Cemetery trust (hereafter referred to as ‘the trust’): |  |
| Agreement date (trust meeting date): |  |
| Commencement date: |  |

# Commencement

This delegation commences on the commencement date specified above and remains in force until such time as the instrument is varied or revoked by the trust.

# Interpretation

In this Instrument:

**Act** means the *Cemeteries and Crematoria Act 2003*.

**Functions and powers** mean the functions and powers of the trust under the statutory provisions of the Act specified in Column 1 of the Schedule attached to this instrument.

**Officers** means the persons holding, or for the time being holding, acting in or performing the duties of the positions in the trust that are specified in Column 3 of the Schedule.

**Schedule** means the Schedule attached to this instrument, which forms part of this instrument.

**Trust** means the cemetery trust identified above, constituted under the Act.

# Delegation

The trust met on the agreement date specified above and acting under section 15 of the Act agreed to:

1. delegate its functions and powers to the officers specified in Column 3 of the Schedule, subject to the limitations, if any, specified in Column 4 of the Schedule; and
2. revoke any and all previous instruments of delegation made by the trust of its functions and powers under provisions of the Act.

|  |  |  |  |
| --- | --- | --- | --- |
| Position | Name | Signature | Date |
| Trust chairperson |  |  |  |
| Trust secretary |  |  |  |

**Please use the example Schedule below as a template to identify delegates and limitations agreed by the trust. Note: The positions listed in Column 3 are for illustrative purposes only.**

# Schedule

Source of authority/power: *Cemeteries and Crematoria Act 2003*

Holder of power/function: Cemetery trust

Authority type: Delegation

| Column 1 Statutory provisions | Column 2Description | Column 3 Delegate(s) | Column 4 Limitations |
| --- | --- | --- | --- |
| Section 73(1)  | Power to grant a right of interment for payment of the relevant trust fee. | Trust secretary |  |
| Section 77(4) | Power to authorise a holder of right of interment to remove cremated human remains in a receptacle or remove body parts from a place of interment, subject to terms and conditions that the trust thinks fit. | Trust secretary |  |
| Section 83(3) | Power to remove any memorial from a place of interment where the right of interment has been exercised and surrendered to the trust by a sole holder.Power to convert a surrendered right of interment into a public grave or reissue the right of interment if the place of interment where the right has been exercised no longer contains human remains and the right has been surrendered by the sole holder. | Trust secretaryTrust chairperson |  |
| Section 89 | Power to approve or refuse an application for a lift and re-position procedure. | Trust secretary |  |
| Section 90 | Power to approve to carry out a lift and re-position procedure without an exhumation licence. | Trust secretary |  |
| Section 118 | Power to grant an interment authorisation. | Trust secretaryTrust members |  |
| Section 150 | Power to authorise interment or cremation of body parts in a public cemetery. | Trust secretaryTrust members |  |
| Section 152 | Power to impose terms and conditions that the trust thinks fit on authorisation of interment or cremation of body parts. | Trust secretaryTrust members |  |