

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013			
1. Offence to Dispose of Bodily Remains Except in Cemetery or Natural Burial Ground			
1.1 The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 (the Act) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground.	CEO	NIL	Director Corporate Services
2. Opening of Interment Sites, Exhumation and Re-interment			
2.1 The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground.	CEO	NIL	Director Corporate Services
3. Disposal of Unclaimed Cremated Human Remains			
3.1 The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate thinks fit where the Council is the relevant authority for the crematorium.			
4. Establishment of Cemeteries, Natural Burial Grounds and Crematoria			
4.1 Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.			
5. Power of Councils to Establish and Manage Public Mortuaries			
5.1 The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal.			
6. Establishment of Mausolea Within Cemeteries			
6.1 The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish mausolea within the cemetery for which the Council is the relevant authority.			
7. Designation of Natural Burial Grounds Within Cemeteries			
7.1 The power pursuant to Section 22 of the Act to set apart any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.			
8. Power to Set Apart Part of Cemetery or Natural Burial Ground for Particular Religions			
8.1 The power pursuant to Section 23 of the Act, to set apart any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the			

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Council is the relevant authority for the cemetery or natural burial ground.				
9.	Closure of Cemeteries and Natural Burial Grounds			
9.1	Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:			
9.1.1	the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or			
9.1.2	50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.			
9.2	The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
9.2.1	discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or			
9.2.2	discharge the interment right and issue to the former holder, free of charge:			
9.2.2.1	a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or			
9.2.2.2	if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground.			
9.3	The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
9.3.1	discharge the interment right and issue to the former holder, free of charge:			
9.3.1.1	a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or			
9.3.1.2	if the closure relates only to part of the cemetery or natural			

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	burial ground - a new interment right in relation to another part of the cemetery or natural burial ground; and			
9.3.2	remove any human remains interred at the original interment site and re-inter the remains pursuant to the new interment right; and			
9.3.3	remove any memorial erected at the original interment site and re-position the memorial at the new interment site.			
9.4	The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.	CEO	NIL	Director Corporate Services
9.5	The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group.			
10.	Dedication of Closed Council Cemeteries as Park Lands			
10.1	Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following:			
10.1.1	remove memorials to deceased persons;			
10.1.2	relocate memorials to deceased persons in the park lands;			
10.1.3	replace memorials to deceased persons with some other form of memorial in the park lands.			
11.	Conversion of Closed Cemeteries into Public Parks or Gardens			
11.1	The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.			
11.2	Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden to:	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
11.2.1	remove memorials to deceased persons;			
11.2.2	relocate memorials to deceased persons in the park or garden;			
11.2.3	replace memorials to deceased persons with some other form of memorial in the park or garden.			
12.	Powers of Relevant Authorities in Relation to Closed Cemeteries			

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12.1	The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:			
12.1.1	construct roads and pathways on the land; and	CEO	NIL	Director Engineering & Assets
12.1.2	erect or construct buildings or structures on the land; and	CEO	NIL	Director Engineering & Assets
12.1.3	construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and	CEO	NIL	Director Corporate Services Director Engineering & Assets
12.1.4	erect lighting, seating and any other infrastructure or public amenity; and	CEO	NIL	Director Engineering & Assets
12.1.5	take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.	CEO	NIL	Director Engineering & Assets
13.	Issue of Interment Rights			
13.1	Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
13.1.1	identifies the person to whom the interment right is issued; and			
13.1.2	identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and			
13.1.3	identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be interred pursuant to the interment right; and			
13.1.4	specifies the period for which the interment right is granted; and			
13.1.5	sets out the rights to renewal of the interment right; and			
13.1.6	specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.			
13.2	The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the	CEO	NIL	Director Corporate Services Community Liaison Officer

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site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.			(Retirement Villages & Cemeteries) Manager Property Services Property Officer
13.3 Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right, permit a memorial to the deceased person to be erected at the site.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
13.4 The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
14. Duration of Interment Rights			
14.1 The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
14.1.1 for the period specified in the interment right; or			
14.1.2 in perpetuity.			
15. Renewal of Interment Rights			
15.1 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
15.2 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee.			
16. Transfer of Interment Rights			
16.1 The power pursuant to Section 33(1) of the Act to transfer an interment right.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries)

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			Manager Property Services Property Officer
17. Re-use of Internment Sites			
17.1 Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires, to, where the Council is the relevant authority:	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries)
17.1.1 re-use the internment site to which the interment right related; and			Manager Property Services Property Officer
17.1.2 remove any memorial to a deceased person erected on or at the site.			
18. Ownership of Memorial			
18.1 The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
19. Duty to Maintain Memorial			
19.1 The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
20. Power to Require Repair, Removal or Reinstatement of Memorial			
20.1 The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
20.2 The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
20.3 The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and	CEO	NIL	Director Corporate Services

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(5) of the Act, if:			Community Liaison Officer (Retirement Villages & Cemeteries)
20.3.1 a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and			Manager Property Services
20.3.2 urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,			Manager Civil Services
to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.			Director Engineering & Assets Property Officer
21. Power of Relevant Authority to Dispose of Unclaimed Memorial			
21.1 The power pursuant to Section 42(1) of the Act, if:	CEO	NIL	Director Corporate Services
21.1.1 2 years or more have elapsed:			Community Liaison Officer (Retirement Villages & Cemeteries)
21.1.1.1 since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or			Manager Property Services
21.1.1.2 since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and			Property Officer Manager Civil Services
21.1.2 a memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and			
21.1.3 the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial:			
21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and			
21.1.3.2 by written notice affixed to the memorial; and			
21.1.4 the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and			
21.1.5 6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,			
to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.			
22. General Powers of Relevant Authority			
22.1 The power pursuant to Section 43 of the Act where the Council is the relevant			

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authority for a cemetery, natural burial ground or crematorium to:			
22.1.1 enlarge the cemetery, natural burial ground or crematorium; and	CEO	NIL	Director Corporate Services
22.1.2 improve or embellish the cemetery, natural burial ground or crematorium; and	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
22.1.3 restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and	CEO	NIL	Director Corporate Services Manager Property Services
22.1.4 take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Manager Civil Services Property Officer
23. Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground			
23.1 The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.	CEO	NIL	Director Corporate Services Manager Property Services
24. Neglected Cemeteries and Natural Burial Grounds			
24.1 The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:	CEO	NIL	
24.1.1 the delegate is of the opinion that a cemetery or natural burial ground within its area:			
24.1.1.1 is in a neglected condition; or			
24.1.1.2 fails in any manner to comply with the requirements of this Act;			
to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.			
24.2 The power pursuant to Section 46(3) of the Act, if:	CEO	NIL	Director Corporate Services
24.2.1 the work required by a notice under Section 46(1) of the Act is not			Director Engineering &

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	carried out within the time specified in the notice; and			Assets
24.2.2	no application for review of the decision to give the notice is made within 14 days after the notice is given, to have the work carried out.			Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
24.3	The power pursuant to Section 46(4) of the Act, if:	CEO	NIL	Director Corporate Services
24.3.1	the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and			Director Engineering & Assets
24.3.2	an application for review of the decision to give the notice is determined in favour of the Council to, within 14 days after the determination of the review, have the work carried out.			Community Liaison Officer (Retirement Villages & Cemeteries) Manager Property Services Property Officer
24.4	The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.	CEO	NIL	Director Corporate Services Manager Property Services
25. Right of Review				
25.1	The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the council or designated Minister (as the case may be) to give the notice to the relevant authority.	CEO	NIL	
26. Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees				
26.1	The power pursuant to Section 48(1) of the Act, subject to Section 48(4) of the Act, to accept a trust from the trustees of land in the Council's area held on trust for a cemetery or natural burial ground.			
27. Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds				
27.1	Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:			
27.1.1	there is no existing relevant authority for the cemetery or natural burial ground; or			
27.1.2	the relevant authority for the cemetery or natural burial ground is			

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unknown and is not reasonably ascertainable; or			
27.1.3 the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.			
28. Public Access to Cemeteries, Natural Burial Grounds and Crematoria			
28.1 The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium.	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries) Team Leader Regulatory Services Ranger Manager Property Services Property Officer
29. Disposal of Surplus Cemetery Land, etc			
29.1 Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.			
30. Disposal of Land After Closure of Cemetery Etc			
30.1 The power pursuant to Section 52(1) of the Act, if:			
30.1.1 a cemetery or natural burial ground has been closed in accordance with this Act; and			
30.1.2 all human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground,			
to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.			
31. Power of Public Trustee to Act on Behalf of Holder of Interment Right etc			
31.1 The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:	CEO	NIL	Director Corporate Services Manager Property Services
31.1.1 the holder of an interment right in relation to the cemetery or natural burial ground; or			
31.1.2 the owner of a memorial erected in a cemetery or natural burial ground,			

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fail, to request the Public Trustee act on behalf of the holder or owner.			
32. Authorised Officers			
32.1 The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.	CEO	NIL	
32.2 The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.	CEO	NIL	
32.3 The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.	CEO	NIL	
INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION REGULATIONS 2014			
33. Filling of Sunken Interment Sites			
33.1 The power pursuant to Regulation 16 of the Burial and Cremation Regulations 2014 (the Regulations), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level.	CEO	NIL	Director Corporate Services Manager Property Services Community Liaison Officer (Retirement Villages & Cemeteries) Director Engineering & Assets Manager Civil Services Property Officer
34. Powers of Relevant Authority in Relation to Mausolea and Vaults			
34.1 The power pursuant to Regulation 19(1) of the Regulations, where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:	CEO	NIL	Director Corporate Services
34.1.1 a mausoleum or vault in the cemetery does not comply with the Regulations; or			
34.1.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,			
open the mausoleum or vault and inspect it.			
34.2 The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:	CEO	NIL	Director Corporate Services
34.2.1 the mausoleum or vault does not comply with the Regulations; or			

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34.2.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,			
to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice.			
34.3 The power pursuant to Regulation 19(3) of the Regulations to, if a person refuses or fails to comply with a notice under Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as a debt from the person.	CEO	NIL	Director Corporate Services Director Engineering & Assets
35. Removal and Disposal of Name Plate etc from Coffin Before Cremation			
35.1 The power pursuant to Regulation 21 of the Regulations, subject to Regulation 21(2) of the Regulations, where the Council is the relevant authority for a crematorium to dispose of:	CEO	NIL	
35.1.1 a name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or			
35.1.2 any other thing that comes into the possession of the Council as a result of a cremation.			
36. Power of Relevant Authority in Relation to Things on Interment Sites			
36.1 The power pursuant to Regulation 26 of the Regulations where the Council is the relevant authority for a cemetery or natural burial ground to:	CEO	NIL	Director Corporate Services Manager Property Services Community Liaison Officer (Retirement Villages & Cemeteries) Director Engineering & Assets Manager Civil Services Property Officer
36.1.1 cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and			
36.1.2 cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown.			
37. Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.			
37.1 The power pursuant to Regulation 27(1) of the Regulations, where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial	CEO	NIL	Director Corporate Services Community Liaison Officer (Retirement Villages & Cemeteries)

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ground, require the person to leave the cemetery or natural burial ground.			Team Leader Regulatory Services Ranger Manager Property Services Property Officer