



## **Cemeteries Act 2009**

**Act No. 12 of 2009**

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An Act to provide for the burial of deceased persons and the control of cemeteries and related purposes

**[Assented to 7 July 2009]**

**BE IT ENACTED** by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Cemeteries Act 2009*.

### **Commencement**

2. (1) Section 1, this section and section 9 commence on the day on which notification of assent to this Act is published in the Gazette.

(2) The remaining provisions of this Act commence on a day or days to be fixed by the Administrator by notice in the Gazette.

### **Definitions**

3. In this Act—

“cemetery” means that part of the Cemetery Reserve established in accordance with the *Public Reserves Act 1997* that is set aside for burial purposes.

“the sexton” means the person appointed in accordance with the *Public Reserves Act 1997*.

### **Burial to be in a cemetery**

4. The body of a deceased person shall not be buried in any place within the limits of Norfolk Island, other than in the cemetery.

### **Certificate of Death**

5. No burial shall take place unless and until the certificate under section 30 of the *Registration of Births, Deaths and Marriages Act 1963* has been obtained and produced to the sexton.

**Disposal of dead body contrary to Act**

6. Any person who disposes, or attempts to dispose of, or aids or abets in the disposal of a dead body of any person, in contravention of section 4 of this Act, commits an offence.

Penalty — 20 penalty units.

**Offence to cremate without cremation authorisation**

7. A person must not cremate bodily remains or assist in the cremation of bodily remains.

Penalty — 600 penalty units, or 5 years imprisonment, or both.

**Persons damaging graves**

8. (1) Any person who unlawfully—

- (a) interferes with or damages any grave or tombstone, or
- (b) desecrates the cemetery, or
- (c) creates any nuisance or disturbance, within the cemetery,

commits an offence.

Penalty — 20 penalty units, or 3 months imprisonment, or both.

(2) A person convicted of an offence under subsection (1) may be ordered to pay the cost of making good any damages done.

**Regulations**

9. The Administrator may make Regulations for or with respect to any matter or thing that is required or permitted by this Act to be prescribed or that is necessary to be prescribed for carrying out or giving effect to this Act.

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Notified Gazette No. 30 of 2009, 10 July 2009.

Sections 1, 2 and 9 commenced on gazettal (10 July 2009). The remainder will commence on a day fixed by the Administrator and published in the Norfolk Island Gazette.

Printed on the authority of the Administrator.

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