

New South Wales.



ANNO VICESIMO TERTIO

GEORGII V REGIS.

Act No. 32, 1932.

An Act to make further provision relating to the erection, maintenance, and conduct of crematories and the cremation of human remains; to validate certain matters; to confer powers on trustees of land set apart and dedicated for cremation purposes; to amend the Public Health Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 29th November, 1932.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Public Health Short title. Amendment (Cremation) Act, 1932."

Public Health Amendment (Cremation).

(2) The Public Health Act, 1902, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the "Public Health Act, 1902-1932."

Amendment of
Act No. 30, 1902.

Substituted
s. 51.

Crematories.

2. (1) The Principal Act is amended—

- (a) by omitting section fifty-one and by inserting in lieu thereof the following new section:—

51. (1) Subject to this Part and to the regulations made thereunder any person may establish and maintain and/or conduct a crematory for the burning of the dead.

(2) No person shall erect a crematory unless and until notice of intention to apply for approval of the proposed site thereof has been published as prescribed and the proposed site thereof has been approved by the Minister upon the recommendation of the Board of Health, and also by the council of the municipality or shire within whose area the proposed site is situated, nor unless and until the detailed plans of the proposed building have been approved by the Minister upon the recommendation of the said Board and by the council of the area within which the building is to be erected. The erection shall be subject in all respects to the Local Government Act, 1919, and the ordinances made thereunder.

(3) No person shall conduct a crematory unless the equipment and apparatus to be used in connection therewith are in accordance with plans and specifications approved by the Minister upon the recommendation of the said Board.

(4) No person shall effect any alteration of or departure from any plan or specification which has been approved under this section without a like approval to such alteration or departure.

(5)

Public Health Amendment (Cremation).

(5) Whosoever contravenes any provision of this section shall be liable to a penalty not exceeding two hundred pounds, or where the breach is a continuing one not exceeding twenty pounds for every day that the breach continues.

- (b) (i) by inserting in subsection one of section Sec. 51A. 51A after paragraph (a) the following new paragraphs:—

(a1) prescribing the form and manner in which any application to the Minister for approval of a site or of plans or specifications shall be made, the information to be furnished in connection therewith, and the fees to be paid;

(a2) providing for the giving of security, if required, for the due performance of any condition imposed in the grant of any approval;

(a3) providing for the maintenance of crematories in a clean and proper working condition and with a sufficient number of attendants;

(a4) prescribing the location relative to any dwelling or any public road of the site of a crematory;

- (ii) by inserting in the same subsection after paragraph (e) the following new paragraphs:—

(e1) requiring a cremation authority to furnish to the Minister an annual report of its activities, including a statement of the number of cremations effected;

(e2) providing for the appointment, subject to the approval of the Minister, of medical referees, and prescribing the duties and obligations of such medical referees;

(e3) prescribing the scale of fees payable for the cremation of human remains, the
preservation

Public Health Amendment (Cremation).

preservation and/or disposal of the ashes, and any other service rendered by the authority controlling the crematory ;

(e4) providing for the closing of a crematory by order of the Minister or by direction of the authority controlling the crematory and the notice to be given in connection therewith ;

(e5) providing for the temporary suspension or modification by proclamation by the Governor of any requirement of the Act or regulations on the occasion of an epidemic or for other sufficient reason ;

(e6) prescribing all matters which by this Part are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying this Part into effect ;

(iii) by inserting next after subsection three of the same section the following new subsection :—

(4) The regulations shall, except where otherwise expressly therein stated, apply and extend to and in respect of cremations effected at and to the crematory established under the Necropolis Act, 1901, as amended by subsequent Acts.

(c) by inserting in Part IV next after section 51B the following new section :—

Contribution
towards
upkeep of
crematory.

51c. (1) The person conducting a crematory situate within any cemetery shall contribute annually towards the general upkeep of such cemetery such amount as may be fixed in each year by the Minister not exceeding ten per centum of the gross income derived from the crematory during a prescribed period of twelve months.

Public Health Amendment (Cremation).

(2) The person conducting any such crematory shall at the prescribed date in each year forward a statement of such gross income verified in the prescribed manner to the Minister showing the gross income derived from the crematory during the period prescribed.

(3) The contribution when fixed shall be paid to such person as the Minister directs and in default of payment within the prescribed period may be recovered by such person as a debt in any court of competent jurisdiction.

(4) Subsections one and three of this section shall not extend to the persons conducting the crematory established under the Necropolis Act, 1901, as amended by subsequent Acts, but such persons shall contribute for the year ending the thirtieth day of June, one thousand nine hundred and thirty-two, and in each year thereafter a percentage of the gross income which shall be two-thirds of the percentage fixed in each year by the committee as provided for in subsection four of section 18A of the Necropolis Act, 1901, in relation to the other trusts in the Necropolis towards the general upkeep of the cemetery within which such crematory is established, and such contribution shall be paid to such person and at such time as the Minister directs, and in default of payment within the prescribed period may be recovered by such person as a debt in any court of competent jurisdiction.

(2) Any regulations made before the commencement of this Act in accordance with the powers conferred by the amendments made by paragraph (b) of subsection one of this section are hereby validated.

3. The Local Government Act, 1919, is amended by omitting subsection two of section four hundred and forty-seven.

Amendment of
Act No. 41, 1919,
s. 447 (2).

Powers

Public Health Amendment (Cremation).

Powers of trustees of land set apart and dedicated for cremation purposes.

Powers of trustees.

4. The trustees of any land set apart and dedicated for cremation purposes or for the purpose of the interment of the dead under any Act relating to the disposal of lands of the Crown, may, subject to this Act—

- (a) establish, maintain, and conduct a crematory, chapel, columbarium, and such other buildings as they may consider necessary for the cremation of human remains and the care of the ashes of the said remains;
- (b) enclose the buildings with a suitable fence or wall and improve, layout, and adorn the area so enclosed, and construct and maintain an approach thereto;
- (c) lease such land in accordance with this Act;
- (d) in accordance with this Act borrow money or enter into contracts for any of such purposes, and charge the revenue derived from the crematory for the purpose of meeting the liability in respect of any such borrowing or contract.

Leases by trustees.
cf. Act No. 68, 1902,
s. 6.

5. (1) Any trustees of land so set apart and dedicated for cremation purposes or for the purpose of the interment of the dead may apply in writing to the Minister for Lands on a full statement to him of the facts relating to any proposed lease, for his consent thereto in writing.

cf. *Ibid.*
s. 7 (1)

(2) The said Minister may in any case give his consent either as to the whole or as to part of any lands in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights of third parties.

The said Minister shall report to Parliament any consent given by him under this section.

cf. *Ibid.*
s. 7 (2).

(3) The said Minister may give his consent either generally by authorising the lease of such lands
subject

Public Health Amendment (Cremation).

subject to such conditions, restrictions, reservations, and covenants, and in such manner and within such time, as he may think desirable, or by approving of particular contracts of lease.

(4) After obtaining the written consent herein-^{cf. Act No. 68, 1902, s. 8,} before mentioned, and not otherwise, the trustees may lease the lands in respect of which such consent was given, according to the terms of such consent:

Provided that where the said Minister has given his consent generally, as in this section provided, no land shall be leased in pursuance of such consent, unless in each case the rent reserved has been submitted to and approved of by him.

(5) The proceeds of any lease under this Act^{cf. *Ibid.* s. 11.} shall be held by the trustees, after payment of costs and expenses, for the general purposes of the trust, and shall be invested or applied as the said Minister directs.

(6) Every lease under this Act shall contain covenants by the lessee—

- (a) to lodge with the Minister for Health and with the council of the area within which the land comprised in such lease is situated, within the time prescribed in that behalf, detailed plans of the proposed crematory and other buildings;
- (b) to commence and complete such crematory and buildings within a time to be specified in the lease; and
- (c) not to use the land for any purpose other than for the cremation of human remains and the disposal of the ashes;

and shall also contain a condition of re-entry on breach of any of such covenants.

6. (1) Any trustees of land so set apart and dedicated^{Contracts by trustees.} for cremation purposes or for the purpose of interment of the dead may apply in writing to the Minister for Lands on a full statement to him of the facts relating to any proposed borrowing or contract for his consent thereto in writing.

(2)

Public Health Amendment (Cremation).

(2) The said Minister may in any case give his consent and may at any time withdraw his consent either wholly or partially or vary the terms and conditions thereof if he can do so without prejudice to the rights of third parties.

(3) After obtaining the written consent hereinbefore mentioned, and not otherwise, the trustees may borrow the money or enter into the contract in respect of which such consent was given according to the terms of such consent.

By Authority:

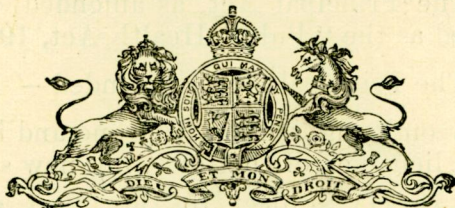
ALFRED JAMES KENT, I.S.O., Government Printer, Sydney—1932.

[3d.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 15 November, 1932.

New South Wales.



ANNO VICESIMO TERTIO

GEORGII V REGIS.

Act No. 32, 1932.

An Act to make further provision relating to the erection, maintenance, and conduct of crematories and the cremation of human remains; to validate certain matters; to confer powers on trustees of land set apart and dedicated for cremation purposes; to amend the Public Health Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 29th November, 1932.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Public Health Short title. Amendment (Cremation) Act, 1932."

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. T. MISSINGHAM,
Chairman of Committees of the Legislative Assembly.

Public Health Amendment (Cremation).

(2) The Public Health Act, 1902, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the "Public Health Act, 1902-1932."

Amendment of
Act No. 30, 1902.

Substituted
s. 51.

Crematories.

2. (1) The Principal Act is amended—

(a) by omitting section fifty-one and by inserting in lieu thereof the following new section:—

51. (1) Subject to this Part and to the regulations made thereunder any person may establish and maintain and/or conduct a crematory for the burning of the dead.

(2) No person shall erect a crematory unless and until notice of intention to apply for approval of the proposed site thereof has been published as prescribed and the proposed site thereof has been approved by the Minister upon the recommendation of the Board of Health, and also by the council of the municipality or shire within whose area the proposed site is situated, nor unless and until the detailed plans of the proposed building have been approved by the Minister upon the recommendation of the said Board and by the council of the area within which the building is to be erected. The erection shall be subject in all respects to the Local Government Act, 1919, and the ordinances made thereunder.

(3) No person shall conduct a crematory unless the equipment and apparatus to be used in connection therewith are in accordance with plans and specifications approved by the Minister upon the recommendation of the said Board.

(4) No person shall effect any alteration of or departure from any plan or specification which has been approved under this section without a like approval to such alteration or departure.

(5)

Public Health Amendment (Cremation).

(5) Whosoever contravenes any provision of this section shall be liable to a penalty not exceeding two hundred pounds, or where the breach is a continuing one not exceeding twenty pounds for every day that the breach continues.

(b) (i) by inserting in subsection one of section 51A. 51A after paragraph (a) the following new paragraphs:—

(a1) prescribing the form and manner in which any application to the Minister for approval of a site or of plans or specifications shall be made, the information to be furnished in connection therewith, and the fees to be paid;

(a2) providing for the giving of security, if required, for the due performance of any condition imposed in the grant of any approval;

(a3) providing for the maintenance of crematories in a clean and proper working condition and with a sufficient number of attendants;

(a4) prescribing the location relative to any dwelling or any public road of the site of a crematory;

(ii) by inserting in the same subsection after paragraph (e) the following new paragraphs:—

(e1) requiring a cremation authority to furnish to the Minister an annual report of its activities, including a statement of the number of cremations effected;

(e2) providing for the appointment, subject to the approval of the Minister, of medical referees, and prescribing the duties and obligations of such medical referees;

(e3) prescribing the scale of fees payable for the cremation of human remains, the preservation

Public Health Amendment (Cremation).

preservation and/or disposal of the ashes, and any other service rendered by the authority controlling the crematory;

(e4) providing for the closing of a crematory by order of the Minister or by direction of the authority controlling the crematory and the notice to be given in connection therewith;

(e5) providing for the temporary suspension or modification by proclamation by the Governor of any requirement of the Act or regulations on the occasion of an epidemic or for other sufficient reason;

(e6) prescribing all matters which by this Part are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying this Part into effect;

(iii) by inserting next after subsection three of the same section the following new subsection:—

(4) The regulations shall, except where otherwise expressly therein stated, apply and extend to and in respect of cremations effected at and to the crematory established under the Necropolis Act, 1901, as amended by subsequent Acts.

(c) by inserting in Part IV next after section 51B the following new section:—

Contribution
towards
upkeep of
crematory.

51C. (1) The person conducting a crematory situate within any cemetery shall contribute annually towards the general upkeep of such cemetery such amount as may be fixed in each year by the Minister not exceeding ten per centum of the gross income derived from the crematory during a prescribed period of twelve months.

(2)

Public Health Amendment (Cremation).

(2) The person conducting any such crematory shall at the prescribed date in each year forward a statement of such gross income verified in the prescribed manner to the Minister showing the gross income derived from the crematory during the period prescribed.

(3) The contribution when fixed shall be paid to such person as the Minister directs and in default of payment within the prescribed period may be recovered by such person as a debt in any court of competent jurisdiction.

(4) Subsections one and three of this section shall not extend to the persons conducting the crematory established under the Necropolis Act, 1901, as amended by subsequent Acts, but such persons shall contribute for the year ending the thirtieth day of June, one thousand nine hundred and thirty-two, and in each year thereafter a percentage of the gross income which shall be two-thirds of the percentage fixed in each year by the committee as provided for in subsection four of section 18A of the Necropolis Act, 1901, in relation to the other trusts in the Necropolis towards the general upkeep of the cemetery within which such crematory is established, and such contribution shall be paid to such person and at such time as the Minister directs, and in default of payment within the prescribed period may be recovered by such person as a debt in any court of competent jurisdiction.

(2) Any regulations made before the commencement of this Act in accordance with the powers conferred by the amendments made by paragraph (b) of subsection one of this section are hereby validated.

3. The Local Government Act, 1919, is amended by omitting subsection two of section four hundred and forty-seven.

Amendment of
Act No. 41, 1919,
s. 447 (2).

Powers

*Public Health Amendment (Cremation).**Powers of trustees of land set apart and dedicated for cremation purposes.*

Powers of trustees.

4. The trustees of any land set apart and dedicated for cremation purposes or for the purpose of the interment of the dead under any Act relating to the disposal of lands of the Crown, may, subject to this Act—

- (a) establish, maintain, and conduct a crematory, chapel, columbarium, and such other buildings as they may consider necessary for the cremation of human remains and the care of the ashes of the said remains;
- (b) enclose the buildings with a suitable fence or wall and improve, layout, and adorn the area so enclosed, and construct and maintain an approach thereto;
- (c) lease such land in accordance with this Act;
- (d) in accordance with this Act borrow money or enter into contracts for any of such purposes, and charge the revenue derived from the crematory for the purpose of meeting the liability in respect of any such borrowing or contract.

Leases by trustees.
cf. Act No. 68, 1902, s. 6.

5. (1) Any trustees of land so set apart and dedicated for cremation purposes or for the purpose of the interment of the dead may apply in writing to the Minister for Lands on a full statement to him of the facts relating to any proposed lease, for his consent thereto in writing.

cf. *Ibid.*
s. 7 (1).

(2) The said Minister may in any case give his consent either as to the whole or as to part of any lands in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights of third parties.

The said Minister shall report to Parliament any consent given by him under this section.

cf. *Ibid.*
s. 7 (2).

(3) The said Minister may give his consent either generally by authorising the lease of such lands subject

Public Health Amendment (Cremation).

subject to such conditions, restrictions, reservations, and covenants, and in such manner and within such time, as he may think desirable, or by approving of particular contracts of lease.

(4) After obtaining the written consent herein-^{cf. Act No. 68, 1902, s. 8.} before mentioned, and not otherwise, the trustees may lease the lands in respect of which such consent was given, according to the terms of such consent:

Provided that where the said Minister has given his consent generally, as in this section provided, no land shall be leased in pursuance of such consent, unless in each case the rent reserved has been submitted to and approved of by him.

(5) The proceeds of any lease under this Act^{cf. *Ibid.* s. 11.} shall be held by the trustees, after payment of costs and expenses, for the general purposes of the trust, and shall be invested or applied as the said Minister directs.

(6) Every lease under this Act shall contain covenants by the lessee—

- (a) to lodge with the Minister for Health and with the council of the area within which the land comprised in such lease is situated, within the time prescribed in that behalf, detailed plans of the proposed crematory and other buildings;
- (b) to commence and complete such crematory and buildings within a time to be specified in the lease; and
- (c) not to use the land for any purpose other than for the cremation of human remains and the disposal of the ashes;

and shall also contain a condition of re-entry on breach of any of such covenants.

6. (1) Any trustees of land so set apart and dedicated^{Contracts by trustees.} for cremation purposes or for the purpose of interment of the dead may apply in writing to the Minister for Lands on a full statement to him of the facts relating to any proposed borrowing or contract for his consent thereto in writing.

(2)

Public Health Amendment (Cremation).

(2) The said Minister may in any case give his consent and may at any time withdraw his consent either wholly or partially or vary the terms and conditions thereof if he can do so without prejudice to the rights of third parties.

(3) After obtaining the written consent hereinbefore mentioned, and not otherwise, the trustees may borrow the money or enter into the contract in respect of which such consent was given according to the terms of such consent.

In the name and on behalf of His Majesty I assent to this Act.

PHILIP GAME,
Governor.

Government House,
Sydney, 29th November, 1932.

PUBLIC HEALTH AMENDMENT (CREMATION) BILL.

SCHEDULE of the Amendment referred to in Message of 26th October, 1932.

Page 5, clause 2. At end of subclause (4) *add* "**but such persons shall contribute for the year ending the thirtieth day of June, one thousand nine hundred and thirty-two, and in each year thereafter five pounds per centum of their gross income for each such year towards the general upkeep of the cemetery within which such crematory is established, and such contribution shall be paid to such person and at such time as the Minister directs, and in default of payment within the prescribed period may be recovered by such person as a debt in any court of competent jurisdiction.**"

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OFFICE OF THE ASSISTANT ATTORNEY GENERAL
WASHINGTON, D. C. 20540

TO: THE SECRETARY OF THE INTERIOR
FROM: THE ASSISTANT ATTORNEY GENERAL
SUBJECT: [Illegible]
[Illegible text follows, appearing to be a memorandum or letter.]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 5 October, 1932.

The LEGISLATIVE COUNCIL has agreed to this Bill with an Amendment.

C. H. H. CALVERT,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 26th October, 1932.

New South Wales.



ANNO VICESIMO TERTIO

GEORGII V REGIS.

Act No. , 1932.

An Act to make further provision relating to the erection, maintenance, and conduct of crematories and the cremation of human remains; to validate certain matters; to confer powers on trustees of land set apart and dedicated for cremation purposes; to amend the Public Health Act, 1902, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—
1. (1) This Act may be cited as the "Public Health Amendment (Cremation) Act, 1932."

68307

20—

(2)

NOTE.—The words to be inserted are printed in black letter.

Public Health Amendment (Cremation).

(2) The Public Health Act, 1902, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the "Public Health Act, 1902-1932."

2. (1) The Principal Act is amended—

Amendment of
Act No. 30, 1902.

(a) by omitting section fifty-one and by inserting in lieu thereof the following new section :—

Substituted
s. 51.

10 51. (1) Subject to this Part and to the regulations made thereunder any person may establish and maintain and/or conduct a crematory for the burning of the dead. Crematories.

15 (2) No person shall erect a crematory unless and until notice of intention to apply for approval of the proposed site thereof has been published as prescribed and the proposed site thereof has been approved by the Minister upon the recommendation of the Board of Health, and also by the council of the municipality or shire within whose area the proposed site is situated, nor unless and until the detailed plans of the proposed building have been approved by the Minister upon the recommendation of the said Board and by the council of the area within which the building is to be erected. The erection shall be subject in all respects to the Local Government Act, 1919, and the ordinances made thereunder.

25 (3) No person shall conduct a crematory unless the equipment and apparatus to be used in connection therewith are in accordance with plans and specifications approved by the Minister upon the recommendation of the said Board.

30 (4) No person shall effect any alteration of or departure from any plan or specification which has been approved under this section without a like approval to such alteration or departure.

(5)

Public Health Amendment (Cremation).

5 (5) Whosoever contravenes any provision of this section shall be liable to a penalty not exceeding two hundred pounds, or where the breach is a continuing one not exceeding twenty pounds for every day that the breach continues.

(b) (i) by inserting in subsection one of section Sec. 51A. 51A after paragraph (a) the following new paragraphs:—

10 (a1) prescribing the form and manner in which any application to the Minister for approval of a site or of plans or specifications shall be made, the information to be furnished in connection therewith, and
15 the fees to be paid;

(a2) providing for the giving of security, if required, for the due performance of any condition imposed in the grant of any approval;

20 (a3) providing for the maintenance of crematories in a clean and proper working condition and with a sufficient number of attendants;

25 (a4) prescribing the location relative to any dwelling or any public road of the site of a crematory;

(ii) by inserting in the same subsection after paragraph (e) the following new paragraphs:—

30 (e1) requiring a cremation authority to furnish to the Minister an annual report of its activities, including a statement of the number of cremations effected;

35 (e2) providing for the appointment, subject to the approval of the Minister, of medical referees, and prescribing the duties and obligations of such medical referees;

40 (e3) prescribing the scale of fees payable for the cremation of human remains, the preservation and/or disposal of the ashes, and any other service rendered by the authority controlling the crematory;

(e4)

Public Health Amendment (Cremation).

5 (e4) providing for the closing of a crematory by order of the Minister or by direction of the authority controlling the crematory and the notice to be given in connection therewith;

10 (e5) providing for the temporary suspension or modification by proclamation by the Governor of any requirement of the Act or regulations on the occasion of an epidemic or for other sufficient reason;

15 (e6) prescribing all matters which by this Part are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying this Part into effect;

(iii) by inserting next after subsection three of the same section the following new subsection:—

20 (4) The regulations shall, except where otherwise expressly therein stated, apply and extend to and in respect of cremations effected at and to the crematory established under the Necropolis Act, 1901, as amended by subsequent Acts.

25 (c) by inserting in Part IV next after section 51B the following new section:—

30 51C. (1) The person conducting a crematory situate within any cemetery shall contribute annually towards the general upkeep of such cemetery such amount as may be fixed in each year by the Minister not exceeding ten per centum of the gross income derived from the crematory during a prescribed period of twelve months.

35 (2) The person conducting any such crematory shall at the prescribed date in each year forward a statement of such gross income verified in the prescribed manner to the Minister showing the gross income derived from the crematory during the period prescribed.

40 (3)

Contribution
towards
upkeep of
crematory.

Public Health Amendment (Cremation).

(3) The contribution when fixed shall be paid to such person as the Minister directs and in default of payment within the prescribed period may be recovered by such person as a debt in any court of competent jurisdiction.

(4) Subsections one and three of this section shall not extend to the persons conducting the crematory established under the Necropolis Act, 1901, as amended by subsequent Acts, but such persons shall contribute for the year ending the thirtieth day of June, one thousand nine hundred and thirty-two, and in each year thereafter five pounds per centum of their gross income for each such year towards the general upkeep of the cemetery within which such crematory is established, and such contribution shall be paid to such person and at such time as the Minister directs, and in default of payment within the prescribed period may be recovered by such person as a debt in any court of competent jurisdiction.

(2) Any regulations made before the commencement of this Act in accordance with the powers conferred by the amendments made by paragraph (b) of subsection one of this section are hereby validated.

3. The Local Government Act, 1919, is amended by omitting subsection two of section four hundred and forty-seven.

Amendment of Act No. 41, 1919, s. 447 (2).

Powers of trustees of land set apart and dedicated for cremation purposes.

4. The trustees of any land set apart and dedicated for cremation purposes or for the purpose of the interment of the dead under any Act relating to the disposal of lands of the Crown, may, subject to this Act—

Powers of trustees.

(a) establish, maintain, and conduct a crematory, chapel, columbarium, and such other buildings as they may consider necessary for the cremation of human remains and the care of the ashes of the said remains;

(b)

Public Health Amendment (Cremation).

- (b) enclose the buildings with a suitable fence or wall and improve, layout, and adorn the area so enclosed, and construct and maintain an approach thereto ;
- 5 (c) lease such land in accordance with this Act ;
- (d) in accordance with this Act borrow money or enter into contracts for any of such purposes, and charge the revenue derived from the crematory for the purpose of meeting the liability in respect of any such borrowing or contract.
- 10
5. (1) Any trustees of land so set apart and dedicated for cremation purposes or for the purpose of the interment of the dead may apply in writing to the Minister for Lands on a full statement to him of the facts relating to any proposed lease, for his consent thereto in writing. Leases by trustees. cf. Act No. 68, 1902, s. 6.
- 15 (2) The said Minister may in any case give his consent either as to the whole or as to part of any lands in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights of third parties. cf. Ibid. s. 7 (1).
- 20 (3) The said Minister shall report to Parliament any consent given by him under this section.
- 25 (3) The said Minister may give his consent either generally by authorising the lease of such lands subject to such conditions, restrictions, reservations, and covenants, and in such manner and within such time, as he may think desirable, or by approving of particular contracts of lease. cf. Ibid. s. 7 (2).
- 30 (4) After obtaining the written consent hereinbefore mentioned, and not otherwise, the trustees may lease the lands in respect of which such consent was given, according to the terms of such consent : cf. Ibid. s. 8.
- 35 Provided that where the said Minister has given his consent generally, as in this section provided, no land shall be leased in pursuance of such consent, unless in each case the rent reserved has been submitted to and approved of by him.
- 40

Public Health Amendment (Cremation).

(5) The proceeds of any lease under this Act shall be held by the trustees, after payment of costs and expenses, for the general purposes of the trust, and shall be invested or applied as the said Minister directs. cf. Act No. 68, 1902, s. 11.

5 (6) Every lease under this Act shall contain covenants by the lessee—

10 (a) to lodge with the Minister for Health and with the council of the area within which the land comprised in such lease is situated, within the time prescribed in that behalf, detailed plans of the proposed crematory and other buildings ;

15 (b) to commence and complete such crematory and buildings within a time to be specified in the lease ; and

(c) not to use the land for any purpose other than for the cremation of human remains and the disposal of the ashes ;

20 and shall also contain a condition of re-entry on breach of any of such covenants.

6. (1) Any trustees of land so set apart and dedicated for cremation purposes or for the purpose of interment of the dead may apply in writing to the Minister for Lands on a full statement to him of the facts relating Contracts by trustees. to any proposed borrowing or contract for his consent thereto in writing.

30 (2) The said Minister may in any case give his consent and may at any time withdraw his consent either wholly or partially or vary the terms and conditions thereof if he can do so without prejudice to the rights of third parties.

35 (3) After obtaining the written consent herein-before mentioned, and not otherwise, the trustees may borrow the money or enter into the contract in respect of which such consent was given according to the terms of such consent.

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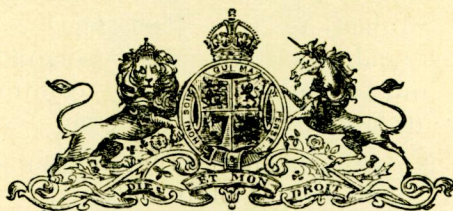
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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 5 October, 1932.

New South Wales.



ANNO VICESIMO TERTIO

GEORGII V REGIS.

Act No. , 1932.

An Act to make further provision relating to the erection, maintenance, and conduct of crematories and the cremation of human remains; to validate certain matters; to confer powers on trustees of land set apart and dedicated for cremation purposes; to amend the Public Health Act, 1902, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Public Health Short title,
Amendment (Cremation) Act, 1932."

Public Health Amendment (Cremation).

(2) The Public Health Act, 1902, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the "Public Health Act, 1902-1932."

2. (1) The Principal Act is amended—

Amendment of
Act No. 30, 1902.

(a) by omitting section fifty-one and by inserting in lieu thereof the following new section :—

Substituted
s. 51.

51. (1) Subject to this Part and to the regulations made thereunder any person may establish and maintain and/or conduct a crematory for the burning of the dead.

(2) No person shall erect a crematory unless and until notice of intention to apply for approval of the proposed site thereof has been published as prescribed and the proposed site thereof has been approved by the Minister upon the recommendation of the Board of Health, and also by the council of the municipality or shire within whose area the proposed site is situated, nor unless and until the detailed plans of the proposed building have been approved by the Minister upon the recommendation of the said Board and by the council of the area within which the building is to be erected. The erection shall be subject in all respects to the Local Government Act, 1919, and the ordinances made thereunder.

(3) No person shall conduct a crematory unless the equipment and apparatus to be used in connection therewith are in accordance with plans and specifications approved by the Minister upon the recommendation of the said Board.

(4) No person shall effect any alteration of or departure from any plan or specification which has been approved under this section without a like approval to such alteration or departure.

(5)

Public Health Amendment (Cremation).

5 (5) Whosoever contravenes any provision of this section shall be liable to a penalty not exceeding two hundred pounds, or where the breach is a continuing one not exceeding twenty pounds for every day that the breach continues.

(b) (i) by inserting in subsection one of section 51A after paragraph (a) the following new paragraphs:—

10 (a1) prescribing the form and manner in which any application to the Minister for approval of a site or of plans or specifications shall be made, the information to be furnished in connection therewith, and
15 the fees to be paid;

(a2) providing for the giving of security, if required, for the due performance of any condition imposed in the grant of any approval;

20 (a3) providing for the maintenance of crematories in a clean and proper working condition and with a sufficient number of attendants;

25 (a4) prescribing the location relative to any dwelling or any public road of the site of a crematory;

(ii) by inserting in the same subsection after paragraph (e) the following new paragraphs:—

30 (e1) requiring a cremation authority to furnish to the Minister an annual report of its activities, including a statement of the number of cremations effected;

35 (e2) providing for the appointment, subject to the approval of the Minister, of medical referees, and prescribing the duties and obligations of such medical referees;

(e3)

Public Health Amendment (Cremation).

5 (e3) prescribing the scale of fees payable for the cremation of human remains, the preservation and/or disposal of the ashes, and any other service rendered by the authority controlling the crematory;

10 (e4) providing for the closing of a crematory by order of the Minister or by direction of the authority controlling the crematory and the notice to be given in connection therewith;

15 (e5) providing for the temporary suspension or modification by proclamation by the Governor of any requirement of the Act or regulations on the occasion of an epidemic or for other sufficient reason;

20 (e6) prescribing all matters which by this Part are required or authorised to be prescribed or which are necessary or convenient to be prescribed for carrying this Part into effect;

(iii) by inserting next after subsection three of the same section the following new subsection:—

25 (4) The regulations shall, except where otherwise expressly therein stated, apply and extend to and in respect of cremations effected at and to the crematory established under the Necropolis Act, 1901, as amended by subsequent Acts.

30 (c) by inserting in Part IV next after section 51B the following new section:—

35 51C. (1) The person conducting a crematory situate within any cemetery shall contribute annually towards the general upkeep of such cemetery such amount as may be fixed in each year by the Minister not exceeding ten per centum of the gross income derived from the crematory during a prescribed period of twelve months.

Contribution
towards
upkeep of
crematory.

(2)

Public Health Amendment (Cremation)

5 (2) The person conducting any such crematory shall at the prescribed date in each year forward a statement of such gross income verified in the prescribed manner to the Minister showing the gross income derived from the crematory during the period prescribed.

10 (3) The contribution when fixed shall be paid to such person as the Minister directs and in default of payment within the prescribed period may be recovered by such person as a debt in any court of competent jurisdiction.

15 (4) Subsections one and three of this section shall not extend to the persons conducting the crematory established under the Necropolis Act, 1901, as amended by subsequent Acts.

20 (2) Any regulations made before the commencement of this Act in accordance with the powers conferred by the amendments made by paragraph (b) of subsection one of this section are hereby validated.

3. The Local Government Act, 1919, is amended by omitting subsection two of section four hundred and forty-seven.

Amendment of Act No. 41, 1919, s. 447 (2).

25 *Powers of trustees of land set apart and dedicated for cremation purposes.*

4. The trustees of any land set apart and dedicated for cremation purposes or for the purpose of the interment of the dead under any Act relating to the disposal of lands of the Crown, may, subject to this Act—

Powers of trustees.

30 (a) establish, maintain, and conduct a crematory, chapel, columbarium, and such other buildings as they may consider necessary for the cremation of human remains and the care of the ashes of the said remains;

35 (b) enclose the buildings with a suitable fence or wall and improve, layout, and adorn the area so enclosed, and construct and maintain an approach thereto;

(c)

Public Health Amendment (Cremation).

- (c) lease such land in accordance with this Act;
 (d) in accordance with this Act borrow money or enter into contracts for any of such purposes, and charge the revenue derived from the crematory for the purpose of meeting the liability in respect of any such borrowing or contract.

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 10 **5. (1)** Any trustees of land so set apart and dedicated for cremation purposes or for the purpose of the interment of the dead may apply in writing to the Minister for Lands on a full statement to him of the facts relating to any proposed lease, for his consent thereto in writing.

Leases by trustees.
 cf. Act No. 68, 1902,
 s. 6.

15 (2) The said Minister may in any case give his consent either as to the whole or as to part of any lands in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights of third parties.

cf. *Ibid.*
 s. 7 (1).

The said Minister shall report to Parliament any consent given by him under this section.

25 (3) The said Minister may give his consent either generally by authorising the lease of such lands subject to such conditions, restrictions, reservations, and covenants, and in such manner and within such time, as he may think desirable, or by approving of particular contracts of lease.

cf. *Ibid.*
 s. 7 (2).

30 (4) After obtaining the written consent hereinbefore mentioned, and not otherwise, the trustees may lease the lands in respect of which such consent was given, according to the terms of such consent:

cf. *Ibid.*
 s. 8.

35 Provided that where the said Minister has given his consent generally, as in this section provided, no land shall be leased in pursuance of such consent, unless in each case the rent reserved has been submitted to and approved of by him.

40 (5) The proceeds of any lease under this Act shall be held by the trustees, after payment of costs and expenses, for the general purposes of the trust, and shall be invested or applied as the said Minister directs.

cf. *Ibid.*
 s. 11.

(6)

Public Health Amendment (Cremation).

(6) Every lease under this Act shall contain covenants by the lessee—

- 5 (a) to lodge with the Minister for Health and with the council of the area within which the land comprised in such lease is situated, within the time prescribed in that behalf, detailed plans of the proposed crematory and other buildings;
- 10 (b) to commence and complete such crematory and buildings within a time to be specified in the lease; and
- (c) not to use the land for any purpose other than for the cremation of human remains and the disposal of the ashes;
- 15 and shall also contain a condition of re-entry on breach of any of such covenants.

6. (1) Any trustees of land so set apart and dedicated for cremation purposes or for the purpose of interment of the dead may apply in writing to the Minister for
 20 Lands on a full statement to him of the facts relating to any proposed borrowing or contract for his consent thereto in writing.

Contracts by trustees.

(2) The said Minister may in any case give his consent and may at any time withdraw his consent
 25 either wholly or partially or vary the terms and conditions thereof if he can do so without prejudice to the rights of third parties.

(3) After obtaining the written consent hereinbefore mentioned, and not otherwise, the trustees may
 30 borrow the money or enter into the contract in respect of which such consent was given according to the terms of such consent.

The following information is for the Legislative Assembly
and should not be used as a basis for presentation to the
Legislative Assembly.

W. H. HARRIS
Legislative Assembly

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