

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly*

*Legislative Assembly Chamber,  
Sydney, 26 November, 1970, A.M.*

## New South Wales



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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Act No.           , 1970.

An Act to dedicate certain lands at Gosford as public parks; to make provision for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on those trustees; and for purposes connected therewith.

**B**E it enacted by the Queen'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. This Act may be cited as the "Gosford Cemeteries Act, Short title, 1970".

2.

*Gosford Cemeteries.*

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

“Council” means the Council of the Shire of Gosford;

5 “the scheduled lands” means the land described in the First Schedule to this Act and the land described in the Second Schedule to this Act.

3. Notwithstanding anything in any other Act, the road comprising the land described in the First Part of the First Schedule to this Act is hereby closed and the land comprised in the road so closed shall be freed and discharged from any rights of the public or any person thereto as a highway. Closing of road in First Part of First Schedule.

4. (1) Any estate or interest in the scheduled lands which, immediately before the commencement of this Act, was vested in or held by any person or body of persons is hereby divested. Divesting of estate or interest held in scheduled lands before commencement of Act.

(2) Any person or body referred to in subsection one of this section is hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the scheduled lands.

(3) Any trusts, conditions, encumbrances, dedications or reservations affecting the scheduled lands immediately before the commencement of this Act are hereby revoked and annulled.

25 5. (1) The land described in the First Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912. Dedication of scheduled lands as public parks.

(2)

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*Gosford Cemeteries.*

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(2) The land described in the Second Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912.

5 (3) Subject to this Act, the Council shall be the trustees of the scheduled lands for all purposes of the Public Parks Act, 1912, and shall be deemed to have been appointed pursuant to that Act to be the trustees of those lands.

10 (4) The scheduled lands shall be maintained by the Council as rest parks and garden areas and, notwithstanding anything in any other Act, but subject to the provisions of this Act, the Council shall not use those lands or permit them to be used for any other purpose.

15 6. (1) Subject to subsections two and three of this section, the Council shall, as soon as practicable after the commencement of this Act—

Removal of  
human  
remains,  
monuments,  
etc.

20 (a) compile a register of the names of and other relevant information in respect of persons who are buried in or whose ashes have been placed in or on the scheduled lands, so far as those names and that information can by reasonable diligence be obtained, and deposit and maintain the register at the offices of the Council at Gosford, so as to be available for inspection by any interested person from time to time;

25 (b) furnish a certified copy of the register to the Minister;

30 (c) furnish a certified copy of the register to the Mitchell Library, Sydney, where it shall be maintained so as to be available for inspection by any interested person from time to time;

(d) remove all monuments and other surface structures on the scheduled lands and re-arrange or dispose of them at the discretion of the Council;

(e)

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*Gosford Cemeteries.*

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- (e) plant the scheduled lands with trees, lawns, shrubs and plants and otherwise improve them as rest parks and garden areas; and
- 5 (f) erect a memorial, tablet or plaque in a suitable position on the land described in the First Schedule to this Act and a memorial, tablet or plaque in a suitable position on the land described in the Second Schedule to this Act, each indicating the sacred nature of the respective area and where the register referred to in paragraph (a) of this subsection may be inspected and stating that a copy of the register may be inspected at the Mitchell Library, Sydney.

(2) At least three months before any monuments or  
15 other surface structures are removed by the Council pursuant to subsection one of this section, an advertisement of the intention to remove them and drawing attention to the right conferred by subsection three of this section on the representatives or persons claiming to be representatives referred to  
20 in the said subsection three shall be inserted twice at an interval of not less than two weeks in a newspaper or newspapers published and circulating in the locality, and twice at an interval of not less than two weeks in a newspaper or newspapers published in Sydney and circulating widely throughout New  
25 South Wales.

(3) At any time after the publication of the first advertisement referred to in subsection two of this section and before the expiration of three months from the publication of the last of those advertisements the representatives or any  
30 persons claiming to be representatives of any person who is buried in or whose ashes have been placed in or on the scheduled lands may, at their own expense, and with the permission of the Council, remove the monument or other surface structure erected over the grave of that person, and  
35 may, at their own expense, and with the permission of the Director-General of Public Health, remove the remains of that person to another cemetery for burial or to a crematorium for cremation.

(4)

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*Gosford Cemeteries.*

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(4) Subject to this Act, the Council may do all such other things as it may consider necessary to effect the conversion of the scheduled lands into rest parks and garden areas.

7. No compensation shall be payable to any person or  
5 body of persons in respect of the closing of the road comprising the land described in the First Part of the First Schedule to this Act or in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act. No compensation payable.

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10

FIRST SCHEDULE.

Sec. 2.

FIRST PART.

ALL THAT piece or parcel of land containing by admeasurement 2 roods 19 $\frac{1}{4}$  perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford,  
15 County of Northumberland, part Albany Street being portion 395 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

SECOND PART.

ALL THAT piece or parcel of land containing by admeasurement 9 $\frac{1}{4}$  perches be the same more or less situate in the Shire and Parish  
20 of Gosford, and adjoining lands Town of Gosford, County of Northumberland, part freehold allotment 1 section 42 being portion 396 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

THIRD PART.

25 ALL THAT piece or parcel of land containing by admeasurement 1 acre be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for the Church of England Burial Ground on 27th July, 1847 and shown on plan catalogued  
30 C 251-730 in the Department of Lands, Sydney.

SECOND

*Gosford Cemeteries.*

SECOND SCHEDULE.

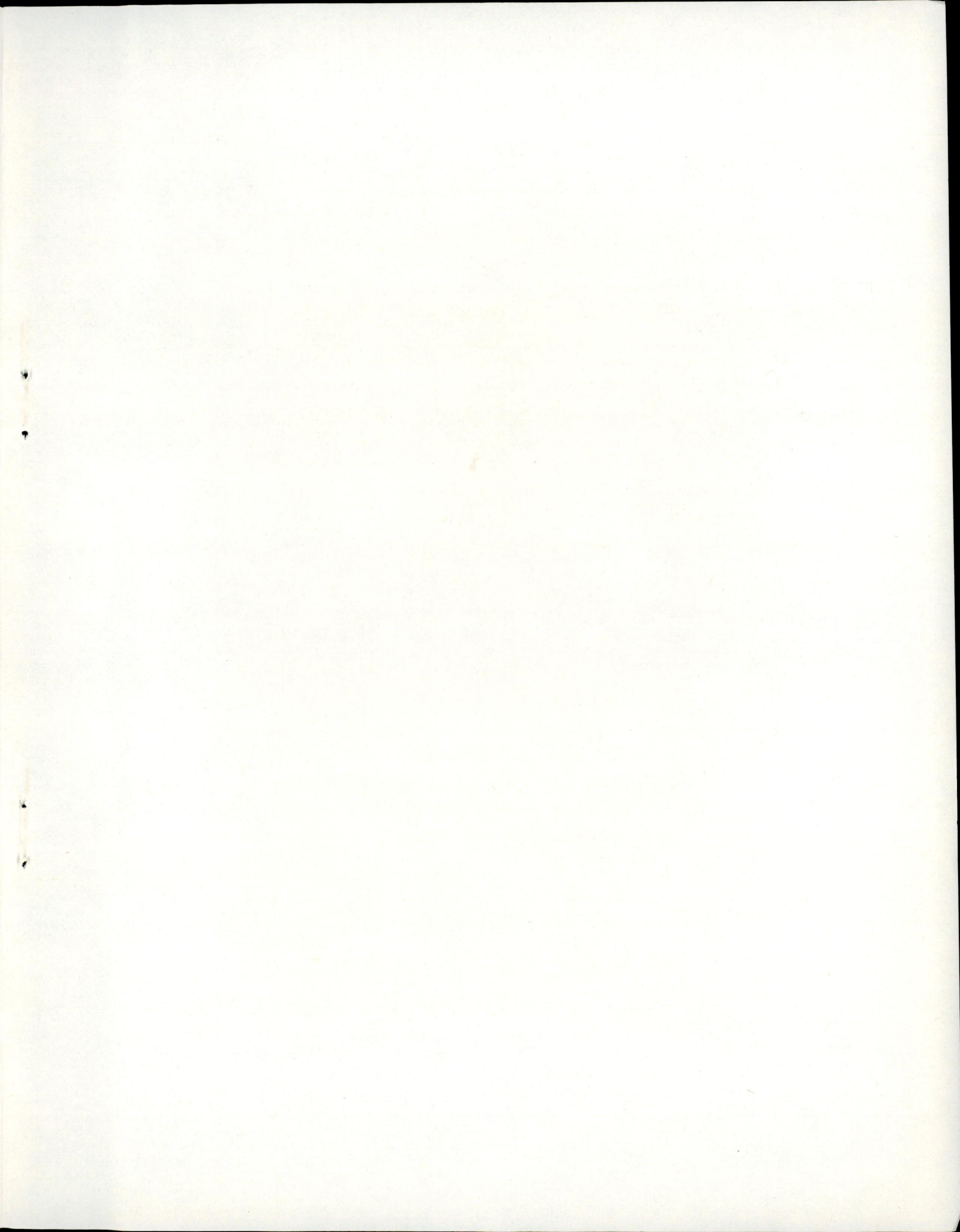
Sec. 2.

- ALL THAT piece or parcel of land containing by admeasurement 2 acres 3 roods 4½ perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford,
- 5 County of Northumberland, being the land dedicated for General Cemetery on 24th October, 1882 and the road closed by notification in the Gazette of 14th October, 1966 COMMENCING at the northernmost south-western corner of portion 378 and bounded
- 10 thence by that portion by lines bearing 90 degrees distant 383 links 360 degrees distant 50 links 90 degrees distant 225 4/10 links 180 degrees distant 279 7/10 links 270 degrees 40 minutes 30 seconds distant 320 links and 180 degrees distant 449 7/10 links to the northern side of Lindsey Street thence by the northern side of that
- 15 street bearing 270 degrees 40 minutes 30 seconds distant 295 links to the eastern side of Whitton Street and thence by the eastern side of that street bearing 40 minutes distant 671 4/10 links to the point of commencement.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[5c]







No. , 1970.

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## A BILL

To dedicate certain lands at Gosford as public parks; to make provision for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on those trustees; and for purposes connected therewith.

[MR LEWIS—4 November, 1970.]

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**B**E it enacted by the Queen'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 :—

- 5
1. This Act may be cited as the "Gosford Cemeteries Act, Short title. 1970".

2.

*Gosford Cemeteries.*

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

“Council” means the Council of the Shire of Gosford;

5 “the scheduled lands” means the land described in the First Schedule to this Act and the land described in the Second Schedule to this Act.

3. Notwithstanding anything in any other Act, the road comprising the land described in the First Part of the First Schedule to this Act is hereby closed and the land comprised Closing of road in First Part of First Schedule.  
10 in the road so closed shall be freed and discharged from any rights of the public or any person thereto as a highway.

4. (1) Any estate or interest in the scheduled lands which, immediately before the commencement of this Act, was vested in or held by any person or body of persons is Divesting of estate or interest held in scheduled lands before commencement of Act.  
15 hereby divested.

(2) Any person or body referred to in subsection one of this section is hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the  
20 scheduled lands.

(3) Any trusts, conditions, encumbrances, dedications or reservations affecting the scheduled lands immediately before the commencement of this Act are hereby revoked and annulled.

25 5. (1) The land described in the First Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Dedication of scheduled lands as public parks. Public Parks Act, 1912.

(2)

*Gosford Cemeteries.*

(2) The land described in the Second Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912.

5 (3) Subject to this Act, the Council shall be the trustees of the scheduled lands for all purposes of the Public Parks Act, 1912, and shall be deemed to have been appointed pursuant to that Act to be the trustees of those lands.

10 (4) The scheduled lands shall be maintained by the Council as rest parks and garden areas and, notwithstanding anything in any other Act, but subject to the provisions of this Act, the Council shall not use those lands or permit them to be used for any other purpose.

15 6. (1) Subject to subsections two and three of this section, the Council shall, as soon as practicable after the commencement of this Act—

Removal of human remains, monuments, etc.

20 (a) compile a register of the names of and other relevant information in respect of persons who are buried in or whose ashes have been placed in or on the scheduled lands, so far as those names and that information can by reasonable diligence be obtained, and deposit and maintain the register at the offices of the Council at Gosford, so as to be available for inspection by any interested person from time to time;

25 (b) furnish a certified copy of the register to the Minister;

30 (c) furnish a certified copy of the register to the Mitchell Library, Sydney, where it shall be maintained so as to be available for inspection by any interested person from time to time;

(d) remove all monuments and other surface structures on the scheduled lands and re-arrange or dispose of them at the discretion of the Council;

(e)

*Gosford Cemeteries.*

(e) plant the scheduled lands with trees, lawns, shrubs and plants and otherwise improve them as rest parks and garden areas; and

5 (f) erect a memorial, tablet or plaque in a suitable position on the land described in the First Schedule to this Act and a memorial, tablet or plaque in a suitable position on the land described in the  
10 Second Schedule to this Act, each indicating the sacred nature of the respective area and where the register referred to in paragraph (a) of this subsection may be inspected and stating that a copy of the register may be inspected at the Mitchell Library, Sydney.

(2) At least three months before any monuments or  
15 other surface structures are removed by the Council pursuant to subsection one of this section, an advertisement of the intention to remove them and drawing attention to the right conferred by subsection three of this section on the representatives or persons claiming to be representatives referred to  
20 in the said subsection three shall be inserted twice at an interval of not less than two weeks in a newspaper or newspapers published and circulating in the locality, and twice at an interval of not less than two weeks in a newspaper or newspapers published in Sydney and circulating widely throughout New  
25 South Wales.

(3) At any time after the publication of the first advertisement referred to in subsection two of this section and before the expiration of three months from the publication of the last of those advertisements the representatives or any  
30 persons claiming to be representatives of any person who is buried in or whose ashes have been placed in or on the scheduled lands may, at their own expense, and with the permission of the Council, remove the monument or other surface structure erected over the grave of that person, and  
35 may, at their own expense, and with the permission of the Director-General of Public Health, remove the remains of that person to another cemetery for burial or to a crematorium for cremation.

(4)

*Gosford Cemeteries.*

(4) Subject to this Act, the Council may do all such other things as it may consider necessary to effect the conversion of the scheduled lands into rest parks and garden areas.

7. No compensation shall be payable to any person or  
5 body of persons in respect of the closing of the road comprising the land described in the First Part of the First Schedule to this Act or in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act. No compensation payable.

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FIRST SCHEDULE.

Sec. 2.

FIRST PART.

ALL THAT piece or parcel of land containing by admeasurement 2 roods 19 $\frac{1}{4}$  perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford,  
15 County of Northumberland, part Albany Street being portion 395 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

SECOND PART.

ALL THAT piece or parcel of land containing by admeasurement 9 $\frac{1}{4}$  perches be the same more or less situate in the Shire and Parish  
20 of Gosford, and adjoining lands Town of Gosford, County of Northumberland, part freehold allotment 1 section 42 being portion 396 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

THIRD PART.

25 ALL THAT piece or parcel of land containing by admeasurement 1 acre be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for the Church of England Burial Ground on 27th July, 1847 and shown on plan catalogued  
30 C 251-730 in the Department of Lands, Sydney.

SECOND

*Gosford Cemeteries.*

SECOND SCHEDULE.

Sec. 2.

ALL THAT piece or parcel of land containing by admeasurement 2 acres 3 roods 4½ perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford,

5 County of Northumberland, being the land dedicated for General Cemetery on 24th October, 1882 and the road closed by notification in the Gazette of 14th October, 1966 COMMENCING at the northernmost south-western corner of portion 378 and bounded thence by that portion by lines bearing 90 degrees distant 383 links

10 360 degrees distant 50 links 90 degrees distant 225 4/10 links 180 degrees distant 279 7/10 links 270 degrees 40 minutes 30 seconds distant 320 links and 180 degrees distant 449 7/10 links to the northern side of Lindsey Street thence by the northern side of that street bearing 270 degrees 40 minutes 30 seconds distant 295 links

15 to the eastern side of Whitton Street and thence by the eastern side of that street bearing 40 minutes distant 671 4/10 links to the point of commencement.

FIRST SCHEDULE.

FIRST PART.

ALL THAT piece or parcel of land containing by admeasurement 2 acres 181 perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for the Church of England burial ground on 27th July, 1847 and shown on plan catalogued in the Department of Lands, Sydney.

SECOND PART.

BY AUTHORITY:

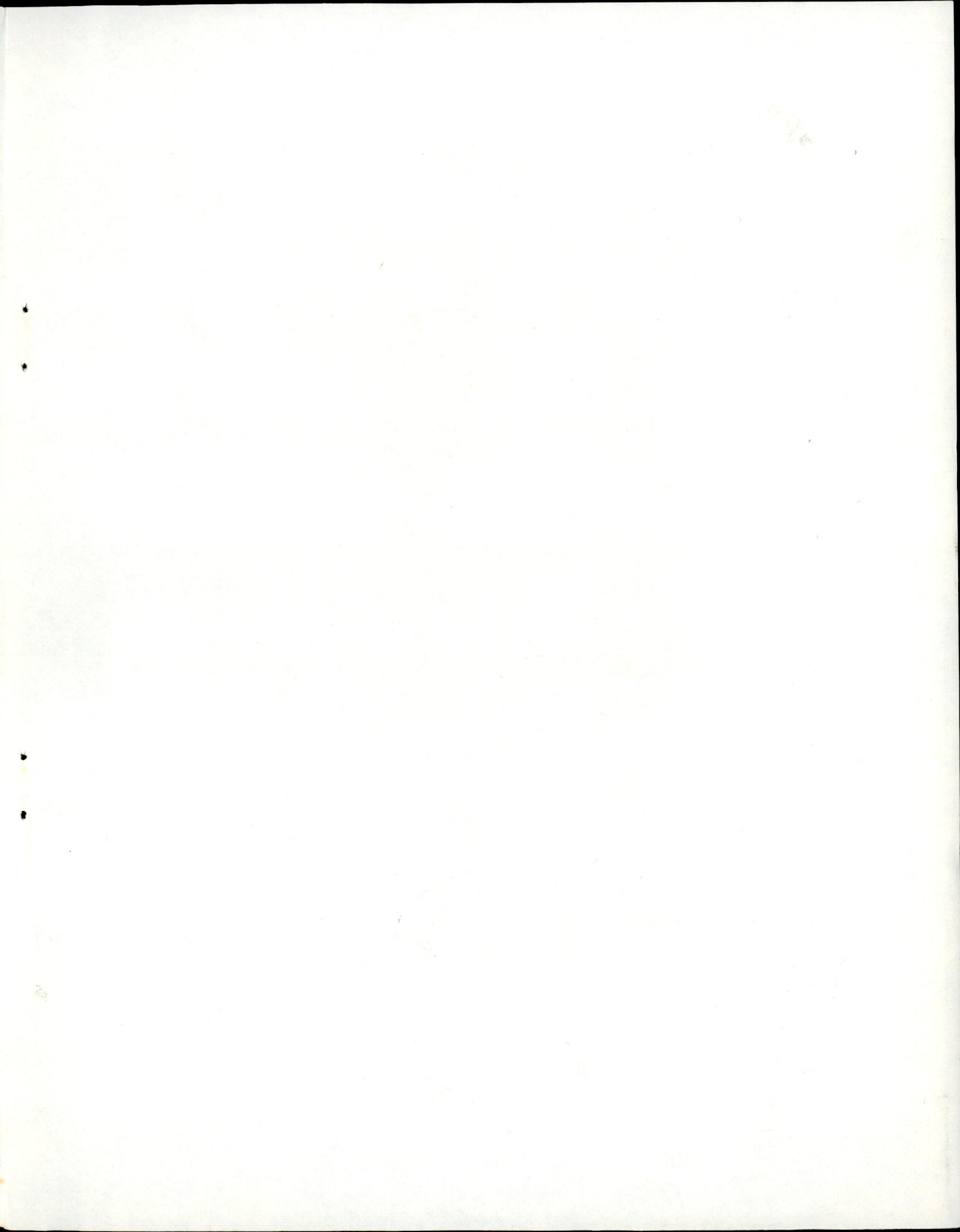
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[5c]

THIRD PART.

ALL THAT piece or parcel of land containing by admeasurement 1 acre be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for the Church of England burial ground on 27th July, 1847 and shown on plan catalogued in the Department of Lands, Sydney.

SECOND







*PROOF*

## **GOSFORD CEMETERIES BILL, 1970**

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### **EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to enable Point Frederick Cemetery and the old General Cemetery (Brady's Gully) at Gosford to be converted into rest parks and garden areas;
- (b) to appoint the Council of the Shire of Gosford as trustees of the lands;
- (c) to provide for the re-arrangement or disposal of the monuments on the lands; and
- (d) to make other provisions consequential upon and ancillary to the foregoing.

PROOF

# GENERAL PRINCIPLES OF THE

The following principles are fundamental to the study of the subject. They are presented in a logical order, beginning with the most basic concepts and progressing to more complex ones. The first principle is that of the conservation of energy, which states that energy cannot be created or destroyed, only transformed from one form to another. This principle is the foundation of all physical science. The second principle is that of the conservation of momentum, which states that the total momentum of a closed system remains constant. This principle is also fundamental to the study of mechanics. The third principle is that of the conservation of mass, which states that the total mass of a closed system remains constant. This principle is also fundamental to the study of chemistry. The fourth principle is that of the conservation of charge, which states that the total electric charge of a closed system remains constant. This principle is also fundamental to the study of electricity and magnetism. The fifth principle is that of the conservation of angular momentum, which states that the total angular momentum of a closed system remains constant. This principle is also fundamental to the study of mechanics. The sixth principle is that of the conservation of baryon number, which states that the total baryon number of a closed system remains constant. This principle is also fundamental to the study of particle physics. The seventh principle is that of the conservation of lepton number, which states that the total lepton number of a closed system remains constant. This principle is also fundamental to the study of particle physics. The eighth principle is that of the conservation of flavor, which states that the total flavor of a closed system remains constant. This principle is also fundamental to the study of particle physics. The ninth principle is that of the conservation of color, which states that the total color of a closed system remains constant. This principle is also fundamental to the study of particle physics. The tenth principle is that of the conservation of parity, which states that the total parity of a closed system remains constant. This principle is also fundamental to the study of particle physics. The eleventh principle is that of the conservation of charge conjugation, which states that the total charge conjugation of a closed system remains constant. This principle is also fundamental to the study of particle physics. The twelfth principle is that of the conservation of time reversal, which states that the total time reversal of a closed system remains constant. This principle is also fundamental to the study of particle physics. The thirteenth principle is that of the conservation of CPT, which states that the total CPT of a closed system remains constant. This principle is also fundamental to the study of particle physics. The fourteenth principle is that of the conservation of CP, which states that the total CP of a closed system remains constant. This principle is also fundamental to the study of particle physics. The fifteenth principle is that of the conservation of CP, which states that the total CP of a closed system remains constant. This principle is also fundamental to the study of particle physics. The sixteenth principle is that of the conservation of CP, which states that the total CP of a closed system remains constant. This principle is also fundamental to the study of particle physics. The seventeenth principle is that of the conservation of CP, which states that the total CP of a closed system remains constant. This principle is also fundamental to the study of particle physics. The eighteenth principle is that of the conservation of CP, which states that the total CP of a closed system remains constant. This principle is also fundamental to the study of particle physics. The nineteenth principle is that of the conservation of CP, which states that the total CP of a closed system remains constant. This principle is also fundamental to the study of particle physics. The twentieth principle is that of the conservation of CP, which states that the total CP of a closed system remains constant. This principle is also fundamental to the study of particle physics.

No. , 1970.

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## A BILL

To dedicate certain lands at Gosford as public parks; to make provision for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on those trustees; and for purposes connected therewith.

[MR LEWIS—4 November, 1970.]

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**B**E it enacted by the Queen'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:—

5 **1.** This Act may be cited as the "Gosford Cemeteries Act, Short title, 1970".

**2.**

---

*Gosford Cemeteries.*

---

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

“Council” means the Council of the Shire of Gosford;

5 “the scheduled lands” means the land described in the First Schedule to this Act and the land described in the Second Schedule to this Act.

3. Notwithstanding anything in any other Act, the road comprising the land described in the First Part of the First Schedule to this Act is hereby closed and the land comprised Closing of road in First Part of First Schedule.  
10 in the road so closed shall be freed and discharged from any rights of the public or any person thereto as a highway.

4. (1) Any estate or interest in the scheduled lands which, immediately before the commencement of this Act, was vested in or held by any person or body of persons is Divesting of estate or interest held in scheduled lands before commencement of Act.  
15 hereby divested.

(2) Any person or body referred to in subsection one of this section is hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the  
20 scheduled lands.

(3) Any trusts, conditions, encumbrances, dedications or reservations affecting the scheduled lands immediately before the commencement of this Act are hereby revoked and annulled.

25 5. (1) The land described in the First Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Dedication of scheduled lands as public parks. Public Parks Act, 1912.

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*Gosford Cemeteries.*

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(2) The land described in the Second Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912.

5 (3) Subject to this Act, the Council shall be the trustees of the scheduled lands for all purposes of the Public Parks Act, 1912, and shall be deemed to have been appointed pursuant to that Act to be the trustees of those lands.

10 (4) The scheduled lands shall be maintained by the Council as rest parks and garden areas and, notwithstanding anything in any other Act, but subject to the provisions of this Act, the Council shall not use those lands or permit them to be used for any other purpose.

15 **6.** (1) Subject to subsections two and three of this section, the Council shall, as soon as practicable after the commencement of this Act—

Removal of  
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20 (a) compile a register of the names of and other relevant information in respect of persons who are buried in or whose ashes have been placed in or on the scheduled lands, so far as those names and that information can by reasonable diligence be obtained, and deposit and maintain the register at the offices of the Council at Gosford, so as to be available for inspection by any interested person from time to time;

(b) furnish a certified copy of the register to the Minister;

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(e)

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*Gosford Cemeteries.*

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- (e) plant the scheduled lands with trees, lawns, shrubs and plants and otherwise improve them as rest parks and garden areas; and
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(4)

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*Gosford Cemeteries.*

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(4) Subject to this Act, the Council may do all such other things as it may consider necessary to effect the conversion of the scheduled lands into rest parks and garden areas.

7. No compensation shall be payable to any person or  
5 body of persons in respect of the closing of the road comprising the land described in the First Part of the First Schedule to this Act or in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act. No compensation payable.

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FIRST SCHEDULE.

Sec. 2.

FIRST PART.

ALL THAT piece or parcel of land containing by admeasurement 2 roods 19 $\frac{1}{4}$  perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford,  
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SECOND PART.

ALL THAT piece or parcel of land containing by admeasurement 9 $\frac{3}{4}$  perches be the same more or less situate in the Shire and Parish  
20 of Gosford, and adjoining lands Town of Gosford, County of Northumberland, part freehold allotment 1 section 42 being portion 396 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

THIRD PART.

25 ALL THAT piece or parcel of land containing by admeasurement 1 acre be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for the Church of England Burial Ground on 27th July, 1847 and shown on plan catalogued  
30 C 251-730 in the Department of Lands, Sydney.

SECOND

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*Gosford Cemeteries.*

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## SECOND SCHEDULE.

Sec. 2.

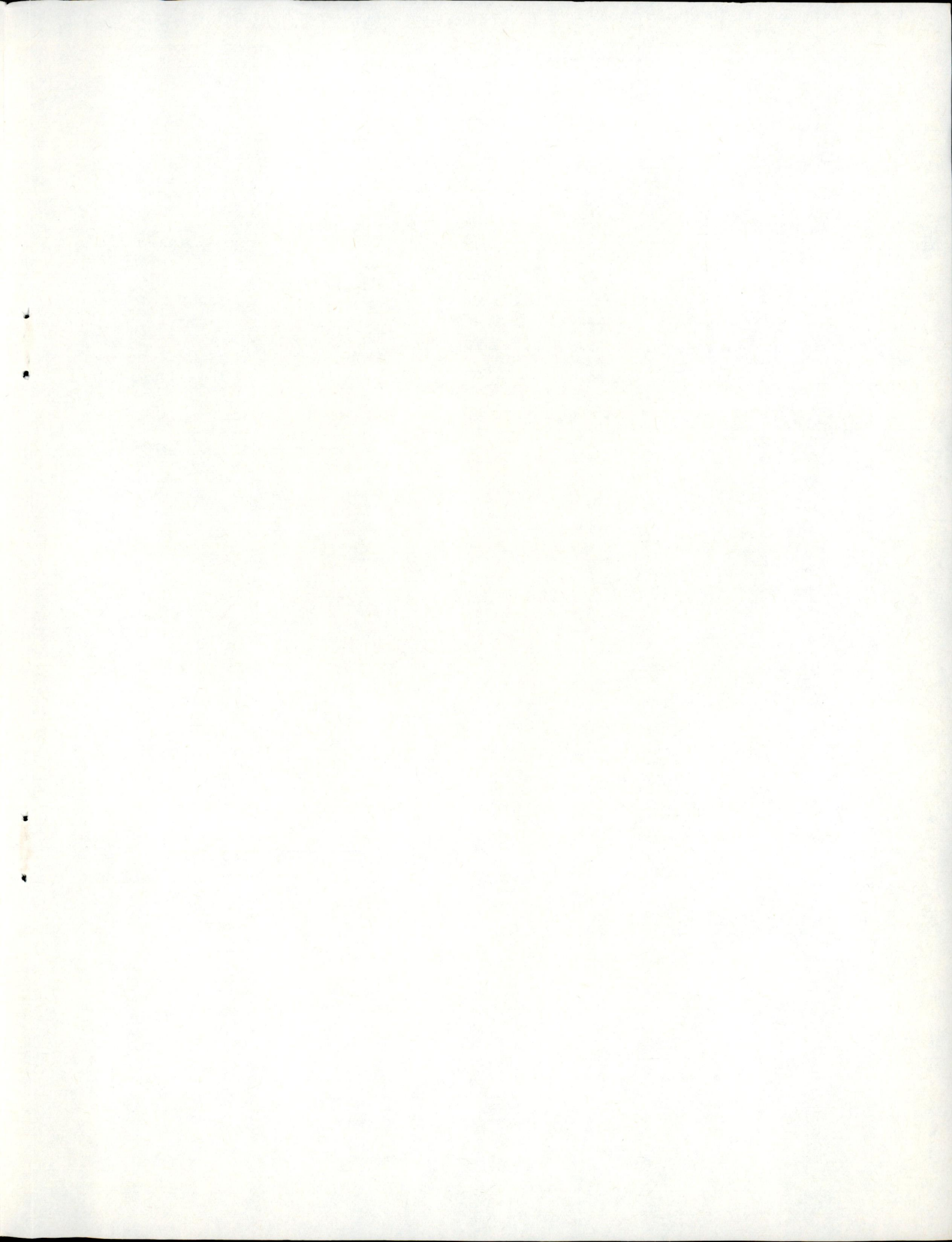
- ALL THAT piece or parcel of land containing by admeasurement 2 acres 3 roods 4½ perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford,
- 5 County of Northumberland, being the land dedicated for General Cemetery on 24th October, 1882 and the road closed by notification in the Gazette of 14th October, 1966 COMMENCING at the northernmost south-western corner of portion 378 and bounded thence by that portion by lines bearing 90 degrees distant 383 links
- 10 360 degrees distant 50 links 90 degrees distant 225 4/10 links 180 degrees distant 279 7/10 links 270 degrees 40 minutes 30 seconds distant 320 links and 180 degrees distant 449 7/10 links to the northern side of Lindsey Street thence by the northern side of that street bearing 270 degrees 40 minutes 30 seconds distant 295 links
- 15 to the eastern side of Whitton Street and thence by the eastern side of that street bearing 40 minutes distant 671 4/10 links to the point of commencement.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970







*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly*

*Legislative Assembly Chamber,  
Sydney, 26 November, 1970.*

## New South Wales



ANNO UNDEVICESIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 84, 1970.

An Act to dedicate certain lands at Gosford as public parks; to make provision for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on those trustees; and for purposes connected therewith. [Assented to, 9th December, 1970.]

**B**E it enacted by the Queen'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.** This Act may be cited as the "Gosford Cemeteries Act, Short title, 1970".

**2.**

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

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

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*Gosford Cemeteries.*


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Interpre-  
tation.

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“Council” means the Council of the Shire of Gosford;

“the scheduled lands” means the land described in the First Schedule to this Act and the land described in the Second Schedule to this Act.

Closing of  
road in First  
Part of First  
Schedule.

3. Notwithstanding anything in any other Act, the road comprising the land described in the First Part of the First Schedule to this Act is hereby closed and the land comprised in the road so closed shall be freed and discharged from any rights of the public or any person thereto as a highway.

Divesting  
of estate or  
interest held  
in scheduled  
lands before  
commence-  
ment of  
Act.

4. (1) Any estate or interest in the scheduled lands which, immediately before the commencement of this Act, was vested in or held by any person or body of persons is hereby divested.

(2) Any person or body referred to in subsection one of this section is hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the scheduled lands.

(3) Any trusts, conditions, encumbrances, dedications or reservations affecting the scheduled lands immediately before the commencement of this Act are hereby revoked and annulled.

Dedication  
of scheduled  
lands as  
public parks.

5. (1) The land described in the First Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912.

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*Gosford Cemeteries.*

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(2) The land described in the Second Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912.

(3) Subject to this Act, the Council shall be the trustees of the scheduled lands for all purposes of the Public Parks Act, 1912, and shall be deemed to have been appointed pursuant to that Act to be the trustees of those lands.

(4) The scheduled lands shall be maintained by the Council as rest parks and garden areas and, notwithstanding anything in any other Act, but subject to the provisions of this Act, the Council shall not use those lands or permit them to be used for any other purpose.

6. (1) Subject to subsections two and three of this section, the Council shall, as soon as practicable after the commencement of this Act—

Removal of  
human  
remains,  
monuments,  
etc.

- (a) compile a register of the names of and other relevant information in respect of persons who are buried in or whose ashes have been placed in or on the scheduled lands, so far as those names and that information can by reasonable diligence be obtained, and deposit and maintain the register at the offices of the Council at Gosford, so as to be available for inspection by any interested person from time to time;
- (b) furnish a certified copy of the register to the Minister;
- (c) furnish a certified copy of the register to the Mitchell Library, Sydney, where it shall be maintained so as to be available for inspection by any interested person from time to time;
- (d) remove all monuments and other surface structures on the scheduled lands and re-arrange or dispose of them at the discretion of the Council;

(e)

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*Gosford Cemeteries.*

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- (e) plant the scheduled lands with trees, lawns, shrubs and plants and otherwise improve them as rest parks and garden areas; and
- (f) erect a memorial, tablet or plaque in a suitable position on the land described in the First Schedule to this Act and a memorial, tablet or plaque in a suitable position on the land described in the Second Schedule to this Act, each indicating the sacred nature of the respective area and where the register referred to in paragraph (a) of this subsection may be inspected and stating that a copy of the register may be inspected at the Mitchell Library, Sydney.

(2) At least three months before any monuments or other surface structures are removed by the Council pursuant to subsection one of this section, an advertisement of the intention to remove them and drawing attention to the right conferred by subsection three of this section on the representatives or persons claiming to be representatives referred to in the said subsection three shall be inserted **twice at an interval** of not less than two weeks in a newspaper or newspapers published and circulating in the locality, and twice at an interval of not less than two weeks in a newspaper or newspapers published in Sydney and circulating widely throughout New South Wales.

(3) At any time after the publication of the first advertisement referred to in subsection two of this section and before the expiration of three months from the publication of the last of those advertisements the representatives or any persons claiming to be representatives of any person who is buried in or whose ashes have been placed in or on the scheduled lands may, at their own expense, and with the permission of the Council, remove the monument or other surface structure erected over the grave of that person, and may, at their own expense, and with the permission of the Director-General of Public Health, remove the remains of that person to another cemetery for burial or to a crematorium for cremation.

(4)

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*Gosford Cemeteries.*

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(4) Subject to this Act, the Council may do all such other things as it may consider necessary to effect the conversion of the scheduled lands into rest parks and garden areas.

7. No compensation shall be payable to any person or body of persons in respect of the closing of the road comprising the land described in the First Part of the First Schedule to this Act or in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act. No compensation payable.

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FIRST SCHEDULE.

Sec. 2.

FIRST PART.

ALL THAT piece or parcel of land containing by admeasurement 2 roods 19½ perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, part Albany Street being portion 395 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

SECOND PART.

ALL THAT piece or parcel of land containing by admeasurement 9½ perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, part freehold allotment 1 section 42 being portion 396 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

THIRD PART.

ALL THAT piece or parcel of land containing by admeasurement 1 acre be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for the Church of England Burial Ground on 27th July, 1847 and shown on plan catalogued C 251-730 in the Department of Lands, Sydney.

SECOND

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*Gosford Cemeteries.*

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Sec. 2.

## SECOND SCHEDULE.

ALL THAT piece or parcel of land containing by admeasurement 2 acres 3 roods 4 $\frac{1}{2}$  perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for General Cemetery on 24th October, 1882 and the road closed by notification in the Gazette of 14th October, 1966 COMMENCING at the northernmost south-western corner of portion 378 and bounded thence by that portion by lines bearing 90 degrees distant 383 links 360 degrees distant 50 links 90 degrees distant 225  $\frac{4}{10}$  links 180 degrees distant 279  $\frac{7}{10}$  links 270 degrees 40 minutes 30 seconds distant 320 links and 180 degrees distant 449  $\frac{7}{10}$  links to the northern side of Lindsey Street thence by the northern side of that street bearing 270 degrees 40 minutes 30 seconds distant 295 links to the eastern side of Whitton Street and thence by the eastern side of that street bearing 40 minutes distant 671  $\frac{4}{10}$  links to the point of commencement.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 9th December, 1970.*



