

FIRST PRINT

GORE HILL MEMORIAL CEMETERY BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to conserve the Gore Hill Cemetery by dedicating the land comprising the cemetery, and providing for its management, as an historic cemetery.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 consists of an interpretation provision for the purposes of the proposed Act. "Historic cemetery" is defined as a cemetery, containing monuments of historic significance, that is closed to further burials.

Clause 4 revokes the dedication of land known as the "Gore Hill Memorial Rest Park" as a public park.

Clause 5 (1) dedicates land described in Schedule 1 to the proposed Act as an historic cemetery to be known as the "Gore Hill Memorial Cemetery".

Clause 5 (2) deems the dedication to have been made under section 24 of the Crown Lands Consolidation Act 1913. Part III_B of that Act consequently applies in respect of the management of, and dealings with, the cemetery.

Clause 6 provides for the transfer of the assets, debts and liabilities of the trustees of the Gore Hill Memorial Rest Park to the trustees of the cemetery.

Clause 7 requires the trustees to maintain the cemetery as an historic cemetery.

Clause 8 provides for the maintenance of burial registers and other records in respect of persons who are buried in or whose ashes have been placed in or on the cemetery land.

Clause 9 enables the trustees to give to the Commonwealth War Graves Commission the right to erect and maintain memorials on the cemetery land.

Clause 10 (1) provides that care should be taken not to disturb or unearth the remains or ashes of any person, or any monument over the grave of or in respect of any person, in or on the cemetery land.

Clause 10 (2) specifies the action to be taken if remains or ashes are, or a monument is, unearthed or disturbed.

Clause 11 (1) enables the cemetery land to be used for the placement of the ashes of any person.

Clause 11 (2) makes it clear that, although the cemetery land may be used for the placement of ashes, the land is not a public cemetery to which Division 2 of Part XIX of the Local Government Act 1919 applies.

Clause 12 provides for the use and care of the dwelling erected on the cemetery land.

Clause 13 provides that no compensation is payable in respect of the performance of anything authorised to be done by the proposed Act.

Clause 14 repeals the Gore Hill Cemetery Act 1974.

Schedule 1 to the proposed Act describes the land dedicated as an historic cemetery.

GORE HILL MEMORIAL CEMETERY BILL 1986

NEW SOUTH WALES



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SCHEDULE 1—THE CEMETERY LAND

GORE HILL MEMORIAL CEMETERY BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to dedicate land at Gore Hill as an historic cemetery and to make provision with respect to the management of that land.

Gore Hill Memorial Cemetery 1986

BE 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 Short title

1. This Act may be cited as the "Gore Hill Memorial Cemetery Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Interpretation

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

"historic cemetery" means a cemetery, containing monuments of historic significance, that is closed to further burials;

"monument" means—

(a) a monument, headstone or other surface structure; or

(b) a vault;

"the cemetery land" means the land dedicated as an historic cemetery under section 5 (1);

"trustees" means the persons holding office as trustees of the cemetery land under Part IIIB of the Crown Lands Consolidation Act 1913.

Revocation of dedication of land as a public park

4. The dedication of the land described in the Schedule to the Gore Hill Cemetery Act 1974 as a public park under the name of "Gore Hill Memorial Rest Park" is revoked.

30 Dedication of the cemetery land

5. (1) The land described in Schedule 1 is dedicated as an historic cemetery under the name of "Gore Hill Memorial Cemetery".

Gore Hill Memorial Cemetery 1986

(2) The cemetery land shall, for the purposes of the Crown Lands Consolidation Act 1913, be deemed to have been dedicated for a public purpose under section 24 of that Act.

Transfer of assets, debts, liabilities, etc.

- 5 6. The provisions of section 37vv of the Crown Lands Consolidation Act 1913 apply in respect of the cemetery land as if the land were the same land as the land dedicated as a public park by section 5 (1) of the Gore Hill Cemetery Act 1974, as in force immediately before the commencement of this Act.

10 **Management of the cemetery**

7. (1) Except as provided by this Act, the cemetery land shall be maintained by the trustees as an historic cemetery.

- (2) The trustees shall use property held by them relating to the care, control and management of the cemetery land for or towards maintaining
15 the cemetery land as an historic cemetery.

Burial registers and records

8. The trustees, or a nominee of the trustees, shall keep in safe custody any burial register and other records in respect of persons who are buried in or whose ashes have been placed in or on the cemetery land.

20 **Erection of memorials by Commonwealth War Graves Commission**

9. The trustees may grant to the Commonwealth War Graves Commission the right to erect and maintain, in or on the cemetery land, a memorial to any person who is buried in or whose ashes have been placed in or on the cemetery land and over whose grave that Commission has
25 provided or maintained a monument.

Remains not to be disturbed

10. (1) The trustees or any person or body of persons shall take due care not to unearth or disturb—

- (a) the remains of any person who is buried in;
- 30 (b) the ashes of any person which are contained in an article which has been placed in or on; or

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- (c) any monument over the grave of or in respect of a person in or on,

the cemetery land.

- (2) If any such remains, articles or monuments are unearthed or
5 disturbed the trustees shall cause the remains or articles to be reverently interred or the monument placed—

(a) where practicable, in the original place of interment or erection in or on the cemetery land; or

(b) elsewhere in or on the cemetery land.

10 Placement of ashes

11. (1) The trustees may use the cemetery land, or permit it to be used, on such terms and conditions as the trustees may determine, for the purpose of the placement of ashes of any person.

- 15 (2) Notwithstanding subsection (1), the cemetery land is not a public cemetery within the meaning of Division 2 of Part XIX of the Local Government Act 1919.

Sexton's dwelling

12. (1) The trustees may maintain the dwelling erected on the cemetery land at the commencement of this Act and may, from time to time, repair,
20 rebuild or replace it.

(2) The trustees may use the dwelling, or permit it to be used, for such purposes and subject to such terms and conditions as the Minister may approve in writing.

- 25 (3) A reference in this section to the dwelling erected on the cemetery land at the commencement of this Act includes a reference to that dwelling as repaired, rebuilt or replaced from time to time under this section.

No compensation payable

13. No compensation shall be payable to any person or body of persons in respect of the performance of anything authorised to be done by this Act.

30 Repeal of Act No. 19, 1974

14. The Gore Hill Cemetery Act 1974 is repealed.

Gore Hill Memorial Cemetery 1986

SCHEDULE 1

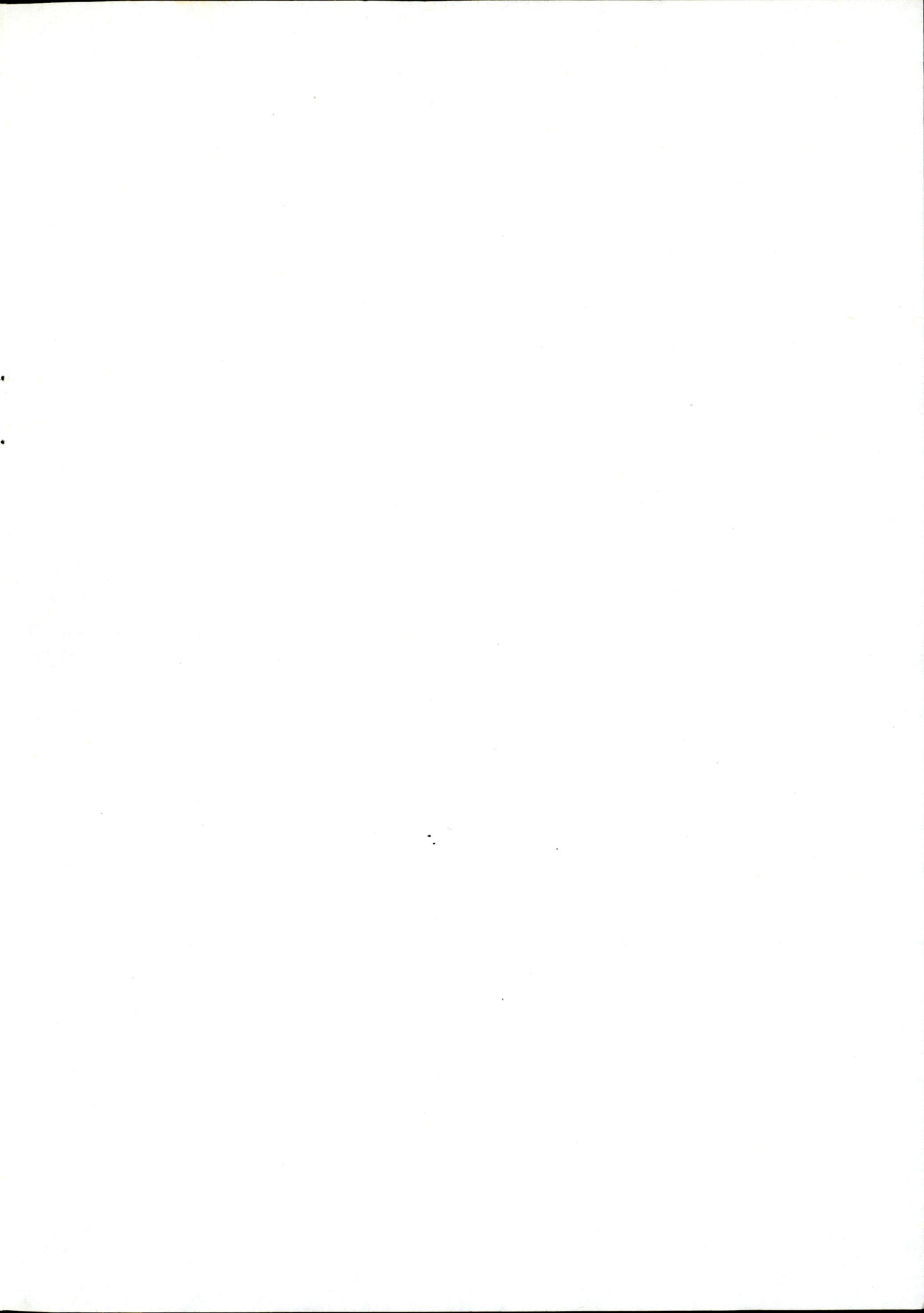
(Sec. 5 (1))

THE CEMETERY LAND

Land situated in the Parish of Willoughby and County of Cumberland, consisting
5 of about 5.07 hectares (excluding road), and being Lot 1118 in Deposited Plan 48218.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986



GORE HILL MEMORIAL CEMETERY ACT 1986 No. 116

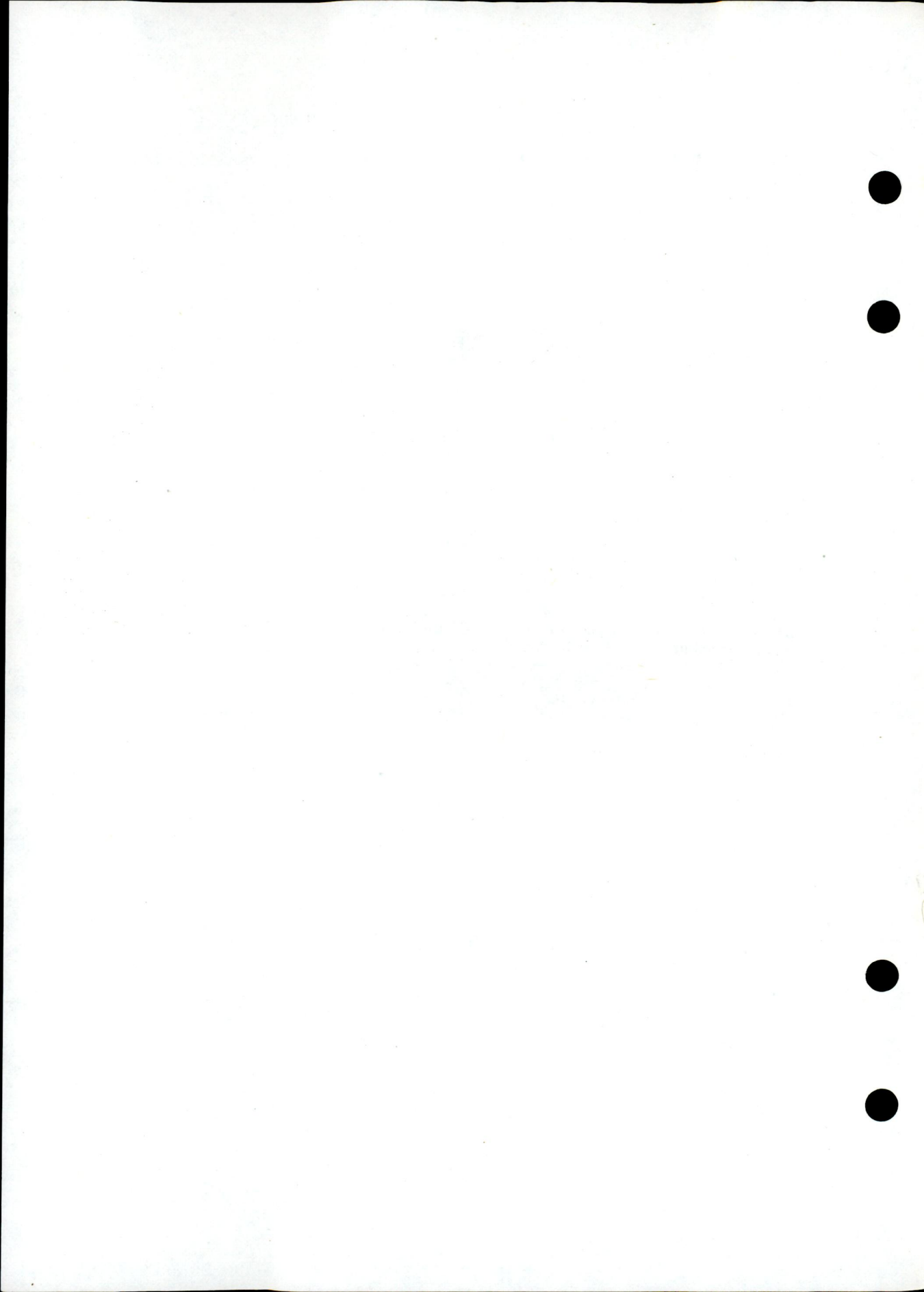
NEW SOUTH WALES



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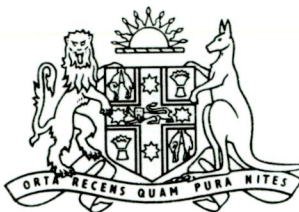
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SCHEDULE 1—THE CEMETERY LAND



GORE HILL MEMORIAL CEMETERY ACT 1986 No. 116

NEW SOUTH WALES



Act No. 116, 1986

An Act to dedicate land at Gore Hill as an historic cemetery and to make provision with respect to the management of that land. [Assented to, 27 November 1986]

Gore Hill Memorial Cemetery 1986

BE 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:

Short title

1. This Act may be cited as the "Gore Hill Memorial Cemetery Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Interpretation

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

"historic cemetery" means a cemetery, containing monuments of historic significance, that is closed to further burials;

"monument" means—

- (a) a monument, headstone or other surface structure; or
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"the cemetery land" means the land dedicated as an historic cemetery under section 5 (1);

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4. The dedication of the land described in the Schedule to the Gore Hill Cemetery Act 1974 as a public park under the name of "Gore Hill Memorial Rest Park" is revoked.

Dedication of the cemetery land

5. (1) The land described in Schedule 1 is dedicated as an historic cemetery under the name of "Gore Hill Memorial Cemetery".

Gore Hill Memorial Cemetery 1986

(2) The cemetery land shall, for the purposes of the Crown Lands Consolidation Act 1913, be deemed to have been dedicated for a public purpose under section 24 of that Act.

Transfer of assets, debts, liabilities, etc.

6. The provisions of section 37vv of the Crown Lands Consolidation Act 1913 apply in respect of the cemetery land as if the land were the same land as the land dedicated as a public park by section 5 (1) of the Gore Hill Cemetery Act 1974, as in force immediately before the commencement of this Act.

Management of the cemetery

7. (1) Except as provided by this Act, the cemetery land shall be maintained by the trustees as an historic cemetery.

(2) The trustees shall use property held by them relating to the care, control and management of the cemetery land for or towards maintaining the cemetery land as an historic cemetery.

Burial registers and records

8. The trustees, or a nominee of the trustees, shall keep in safe custody any burial register and other records in respect of persons who are buried in or whose ashes have been placed in or on the cemetery land.

Erection of memorials by Commonwealth War Graves Commission

9. The trustees may grant to the Commonwealth War Graves Commission the right to erect and maintain, in or on the cemetery land, a memorial to any person who is buried in or whose ashes have been placed in or on the cemetery land and over whose grave that Commission has provided or maintained a monument.

Remains not to be disturbed

10. (1) The trustees or any person or body of persons shall take due care not to unearth or disturb—

- (a) the remains of any person who is buried in;
- (b) the ashes of any person which are contained in an article which has been placed in or on; or
- (c) any monument over the grave of or in respect of a person in or on,

the cemetery land.

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(2) If any such remains, articles or monuments are unearthed or disturbed the trustees shall cause the remains or articles to be reverently interred or the monument placed—

- (a) where practicable, in the original place of interment or erection in or on the cemetery land; or
- (b) elsewhere in or on the cemetery land.

Placement of ashes

11. (1) The trustees may use the cemetery land, or permit it to be used, on such terms and conditions as the trustees may determine, for the purpose of the placement of ashes of any person.

(2) Notwithstanding subsection (1), the cemetery land is not a public cemetery within the meaning of Division 2 of Part XIX of the Local Government Act 1919.

Sexton's dwelling

12. (1) The trustees may maintain the dwelling erected on the cemetery land at the commencement of this Act and may, from time to time, repair, rebuild or replace it.

(2) The trustees may use the dwelling, or permit it to be used, for such purposes and subject to such terms and conditions as the Minister may approve in writing.

(3) A reference in this section to the dwelling erected on the cemetery land at the commencement of this Act includes a reference to that dwelling as repaired, rebuilt or replaced from time to time under this section.

No compensation payable

13. No compensation shall be payable to any person or body of persons in respect of the performance of anything authorised to be done by this Act.

Repeal of Act No. 19, 1974

14. The Gore Hill Cemetery Act 1974 is repealed.

Gore Hill Memorial Cemetery 1986

SCHEDULE 1

(Sec. 5 (1))

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Land situated in the Parish of Willoughby and County of Cumberland, consisting of about 5.07 hectares (excluding road), and being Lot 1118 in Deposited Plan 48218.

