

7 Section five of the *Closer Settlement Act 1936** is amended by omitting subsection (1) thereof.

Conditions
on which
benefits
available.

8 Section nine of the *Closer Settlement Act 1936** is amended by omitting subsection (2) thereof.

Application
of 1 Edw.
VIII. No. 8.

9 Every notice of claim, application for a lease of a farm allotment, offer to sell, application for a lease, lease, stock mortgage (if made before the seventeenth day of July, 1931), bill of sale, hire purchase agreement, and agreement for advances purporting to be made pursuant to the regulations under the Principal Act before the commencement of this Act and made to or by the Minister for Agriculture or some other Minister of the Crown instead of to or by the Minister for Lands or the Minister for Lands and Works, as the case requires, shall not be held invalid only for that reason, and shall nevertheless bind the Crown as if the Minister required by the regulations to be designated was in fact designated and was identical with the Minister for the time being administering the Principal Act.

Validation
of certain
documents
not complying
with the
regulations.

* 1 Edw. VIII. No. 8, as amended by 1 Edw. VIII. No. 27, 1 Geo. VI. No. 71, 2 Geo. VI. No. 52, 3 & 4 Geo. VI. No. 64, 4 Geo. VI. No. 60, and 10 Geo. VI. No. 26.

BURNIE CEMETERY.

No. 47 of 1950.

AN ACT to provide for the Conversion into Public Parks or Gardens of the disused Burnie Cemetery situated in Alexander Street, in the Town of Burnie, and for matters incidental thereto.

[16 November, 1950.]

WHEREAS the land described in the schedule to this Act and known as the Burnie Cemetery was by conveyance dated the thirty-first day of December, 1890 (registered number 8/6679), granted and conveyed by the Van Diemen's Land Company to *Thomas Atkinson*, *Thomas Summers*, and *William Mollison* the Trustees of the Emu Bay Public Cemetery subject to a condition that the land should not be used for any purpose other than as a cemetery:

PREAMBLE.

And whereas by virtue of the provisions of section two of the *Cemeteries Act 1865** (inserted by the *Cemeteries Act 1940†*) the Council of the Municipality of Burnie became, as from the first day of May, 1941, the sole trustee of the said cemetery subject to all the obligations and liabilities of the said trustees:

And whereas the said land has now for forty-seven years and upwards been closed for use as a cemetery or burial ground and it is expedient that it should be converted into a public park, garden, or reserve for the residents of the Town of Burnie:

And whereas the Van Diemen's Land Company has signified its consent to the conversion of the said land into a public park, garden, or reserve:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled as follows:—

Short title
and incor-
poration.

1—(1) This Act may be cited as the *Burnie Cemetery Act 1950*.

(2) This Act shall be incorporated and read as one with the *Local Government Act 1906‡*.

Interpre-
tation.
Cf. 11 Geo.
VI. No. 14,
s. 2.

2 In this Act, unless the contrary intention appears—

“the cemetery” means the land described in the schedule to this Act and known as the Burnie Cemetery;

“the Council” means the Council of the Municipality of Burnie.

Vesting of
cemetery in
the Council.
Ibid., s. 3.

3 The cemetery is hereby vested in the Council in fee simple freed and discharged from all trusts, conditions, and restrictions affecting the same, except as expressly provided in this Act.

Powers of
Council.
Ibid., s. 4.

4—(1) Subject to this Act, the Council may lay out the cemetery as a public park, garden, or reserve for use as a place of quiet recreation for the residents of the Town of Burnie.

(2) In the exercise of the powers conferred on it by this section the Council may—

(a) construct streets, avenues, and walks in or through the cemetery;

* 29 Vict. No. 7. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 400. Subsequently amended by 4 Geo. VI. No. 3, 10 Geo. VI. No. 29, 11 Geo. VI. No. 48, and No. 22 of 1949.

† 4 Geo. VI. No. 3.

‡ 6 Edw. VII. No. 31. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 15. Subsequently amended by 2 Geo. VI. Nos. 8 and 33, 4 Geo. VI. No. 46, 5 Geo. VI. Nos. 20 and 42, 6 Geo. VI. Nos. 26 and 62, 7 & 8 Geo. VI. No. 88, 8 Geo. VI. No. 17, 9 Geo. VI. No. 12, 11 Geo. VI. Nos. 5 and 61, and No. 22 of 1949.

- (b) erect and construct in the cemetery such ornamental and other buildings and structures, and provide therein such seats, shelters, and conveniences for the use of persons resorting thereto, as the Council thinks fit;
- (c) enclose, drain, turf, level, and light the whole or any part of the cemetery;
- (d) plant in the cemetery or in any portion thereof such trees, shrubs, and plants as the Council thinks fit;
- (e) upon and subject to the conditions prescribed in section five—
 - (i) demolish or remove any graves, monuments, vaults, and tombstones erected in any part of the cemetery; and
 - (ii) exhume and remove from the cemetery any human remains which are buried therein, and reinter those remains, either in the cemetery or elsewhere, as provided by this Act;
- (f) build upon or under any part of the cemetery such ornamental structures or vaults as the Council thinks fit for the reception of any human remains which are not removed from the cemetery for reinterment elsewhere; and
- (g) generally, execute such works, employ such officers and servants, give such orders and directions, and do all such acts and things, as may be necessary for the laying out of the cemetery as a public park, garden, or reserve or for carrying out or giving effect to the provisions of this Act.

5—(1) Before proceeding with the demolition of any graves, monuments, vaults, or tombstones erected in the cemetery or with the exhumation and removal of any human remains buried therein the Council shall—

Conditions
on which
Council may
remove
human
remains.

- (a) cause to be prepared a statement setting out— *Ibid., s. 5.*
 - (i) the names and dates appearing on the graves, monuments, vaults, or tombstones proposed to be removed by the Council; and
 - (ii) such other particulars as may be necessary for the identification of those graves, monuments, vaults, or tombstones and of the human remains to which they relate, so far as those particulars can be ascertained from the records of the cemetery or the inscriptions on the stones and monuments therein;

- (b) deposit the statement in the office of the Council Clerk and make it available for inspection by any person free of charge; and
- (c) publish, on such occasions and at such intervals as the Council may think desirable, in such newspapers as the Council may determine, a notice of the intention of the Council to demolish or remove the graves, monuments, vaults, or tombstones, or to exhume and remove the human remains.

(2) Any notice published in pursuance of paragraph (c) of subsection (1) of this section shall specify the hours within which the statement prepared in accordance with paragraph (a) of that subsection may be inspected, and a copy of the notice shall be prominently displayed at or near the entrance to the Council Chambers, in the Town of Burnie.

Land for
reinterment
to be made
available
by Council.
Ibid., s. 6.

6 At any time within twelve months after the commencement of this Act, the Council, at the request of any direct descendant or near relative of any deceased person whose remains are buried in the cemetery or whose name appears on any grave, monument, vault, or tombstone erected therein, and if that descendant or relative wishes to remove those remains at his own expense to the Wivenhoe Cemetery, shall make available free of charge at the Wivenhoe Cemetery such lands as may be necessary for the reinterment in that cemetery of those human remains, or for the re-erection in that cemetery of the grave, monument, vault, or tombstone.

Power to
Council to
exhume and
reinter
human
remains.
Ibid., s. 7.

7—(1) From and after the expiration of twelve months after the commencement of this Act—

- (a) all rights of any person in or to any human remains buried in the cemetery or any grave, monument, vault, or tombstone erected therein, shall be vested in the Council; and
- (b) the Council may, at its own expense, demolish and remove any such grave, monument, vault, or tombstone, and reverently exhume and reinter (either in some other portion of the cemetery or in some other public cemetery in or near the Town of Burnie) any such human remains.

(2) The Council shall cause to be recorded, in a register to be kept for the purpose, full details of any exhumation and reinterment of any human remains in pursuance of subsection (1) of this section and the register shall be maintained by the Council in perpetuity and shall be available at all reasonable times for inspection by any person free of charge.

8 The cemetery, upon being laid out as a public park, garden, or reserve in accordance with this Act, shall be available for residents of, or persons resorting to, the Town of Burnie as a place of quite recreation only, and the Council shall not permit any competitive games or sports to be conducted therein.

Cemetery when laid out as parks to be used for quiet recreation only.
Ibid., s. 8.

9 All expenses incurred by the Council in the execution of this Act shall be defrayed out of the revenues of the Council.

Expenses.
Ibid., s. 9.

10 No action, claim, or demand whatsoever shall lie or be brought or allowed by or in favour of any person whomsoever against the Council or any officer, servant, or agent thereof for or on account of any damage or loss incurred or sustained, or alleged to have been incurred or sustained, by reason of the operation of this Act or anything done in good faith by the Council or any officer, servant, or employee thereof in the execution of this Act.

Indemnity.
Ibid., s. 10.

THE SCHEDULE.

(Section 2.)

All that piece or parcel of land situate and being in the township of Burnie in the County of Wellington Tasmania containing one acre one rood twenty-nine perches and one-half perch or thereabouts and bounded as follows: Commencing at a point on the west side of Alexander-street fifty links south of the south-east corner of Allotment number one hundred and eighty-three by a line running along a reserved road west three chains and thirteen links thence by a line running along part of Emu Bay Forest Section number thirteen south one degree fifty-three minutes west six chains thirty-three links and three-fourths of a link thence by the Mooreville-road north forty-two degrees eleven minutes east four chains ninety-seven links and one-fourth of a link thence by Alexander-street aforesaid north two chains and sixty-five links to the point of commencement.

PENGUIN WATER.

No. 48 of 1950.

AN ACT to amend the *Penguin Water Act 1908*.
[16 November, 1950.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Penguin Water Act* 1950.

Short title and citation.

(2) The *Penguin Water Act 1908**, as subsequently amended, is in this Act referred to as the Principal Act.

* 8 Edw. VII. No. 13. Subsequently amended by 9 Edw. VII. No. 12 and 11 Geo. VI. No. 4.