

T A S M A N I A.



1944.

ANNO SEPTIMO ET OCTAVO
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No. 77.

ANALYSIS.

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AN ACT to provide for the conversion into a Public Park or Garden of the disused Cemetery situated in the City of Launceston and known as the Charles Street General Cemetery; and for matters incidental thereto.

A.D.
1944

[27 April, 1944.]

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 *Launceston Corporation (Charles Street Cemetery Improvement) Act 1944*.

(2) This Act shall be incorporated and read as one with the *Launceston Corporation Act 1941*.*

Short title
and incor-
poration with
4 & 5 Geo.
VI. No. 91.

* 4 & 5 Geo. VI. No. 91, as amended by 6 Geo. VI. No. 52, 6 Geo. VI. No. 69, and 7 Geo. VI. No. 14.

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Interpretation.

2 In this Act, unless the contrary intention appears, “the cemetery” means the land described in Part VII. of the eighth schedule to the *Launceston Corporation Act 1941** and known as the Charles Street General Cemetery.

Power to
council to
lay out
cemetery as
public park
or garden.

3—(1) Subject to this Act the council may lay out the cemetery as a public park or garden for use as a place of quiet recreation by the citizens of the city.

(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;
- (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 four—
 - (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 or garden or for carrying out or giving effect to the provisions of this Act.

Conditions
upon which
council may
remove human
remains,
graves, &c.

4—(1) Before proceeding with the demolition of any graves, monuments, vaults, or tombstones erected in the

* 4 & 5 Geo. VI. No. 91, as amended by 6 Geo. VI. No. 52, 6 Geo. VI. No. 69, and 7 Geo. VI. No. 14.

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cemetery or with the exhumation and removal of any human remains buried therein, the council shall— A.D. 1944.

(a) cause to be prepared a statement setting out—

(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 such particulars can be ascertained;

(b) deposit the statement in the office of the Town 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) The notice published in pursuance of paragraph (c) of subsection (1) 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 Town Hall.

5 At any time within twelve months after the commencement of this Act, the council shall, 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, make available free of charge at the Carr Villa Cemetery such land 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.

Land for reinterment of certain human remains to be made available by the council free of charge.

6—(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 city) any such human remains.

Power to council to exhume and reinter certain human remains.

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(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), 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.

Upon being
laid out as
a park, &c.,
cemetery to
be used for
quiet recrea-
tion only.

7 The cemetery, upon being laid out as a public park or garden in accordance with this Act, shall be available to citizens as a place of quiet recreation only, and the council shall not permit any competitive games or sports to be conducted therein.

Expenses,
how defrayed.

8 All expenses incurred by the council in the execution of this Act shall be defrayed out of the revenues of the corporation.

Indemnity.

9 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 of anything done in good faith by the council or any officer, servant, or employee thereof in the execution of this Act.