

ULVERSTONE WATER.

No. 4 of 1961.

AN ACT to amend the *Ulverstone Water Act*
1905. [4 August 1961.]

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 *Ulverstone Water Act* 1961. Short title, citation, and commencement.

(2) The *Ulverstone Water Act* 1905, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall be deemed to have commenced on the date of the commencement of the Principal Act.

2 Section six of the Principal Act is amended—

(a) by omitting therefrom the words “within the said Water District”;

(b) by inserting the words “Gawler and the” before the word “East”; and

(c) by omitting therefrom the words “through or bounding the said Water District” and substituting therefor the words “into any one or more of those rivers”.

Power to divert certain waters to erect waterworks.

ST. JOHN'S PARK IMPROVEMENT.

No. 5 of 1961.

AN ACT to provide for the conversion into a park or garden of part of the disused cemetery situated at St. John's Park in the city of Hobart, and for matters incidental thereto.

[4 August 1961.]

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 This Act may be cited as the *St. John's Park Improvement Act* 1961. Short title.

Interpre-
tation.

2 In this Act, "the cemetery land" means the land described in the schedule, being portion of the lands surrendered to the Crown by the Trustees of the property of the Church of England in Tasmania and described in the first schedule to the *St. John's Cemetery (New Town) Closing Act 1938*.

Power to lay
out cemetery
land as park
or garden.
Cf. 7 & 8
Geo. VI
No. 77, s. 8.

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

(2) In the exercise of the powers conferred on him by this section the Minister may—

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

Conditions
upon which
Minister may
cause human
remains to be
removed, &c.
Ibid., s. 4.

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

cemetery land or with the exhumation and removal of any human remains buried therein, the Minister shall—

- (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; 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;
- (b) deposit the statement in the Minister's office or in some other public office considered by the Minister to be suitable for that purpose and make it available for inspection by any person free of charge; and
- (c) publish, on such occasions and at such intervals as the Minister may think desirable, in such newspapers as the Minister may determine, a notice of the intention of the Minister 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) 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 office in which the statement is deposited.

5 At any time within twelve months after the commencement of this Act, the Minister shall, at the request of any direct descendant or near relative of any deceased person whose remains are buried in the cemetery land, or whose name appears on any grave, monument, vault, or tombstone erected therein, make arrangements for the reinterment of those remains free of charge in the Hobart Public Cemetery, or, as the case may be, 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 Minister free of charge.
Ibid., s. 5.

6—(1) On 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 land or to any grave, monument, vault, or tombstone erected therein, shall become vested in the Minister; and
- (b) the Minister may, at any time thereafter, cause to be demolished and removed any such grave, monument, vault, or tombstone, and cause to be reverently exhumed and reinterred (either in some other portion of the cemetery land or in the Hobart Public Cemetery) any such human remains.

Power of Minister to exhume and reinter certain human remains.
Ibid., s. 6.

(2) The Minister shall cause—

- (a) full details of any exhumation and reinterment made in pursuance of subsection (1) of this section to be recorded in a register to be kept for the purpose; and
- (b) that register to be kept in perpetuity and to be available, at all reasonable times, for inspection by any person free of charge.

Upon being laid out as a park, &c., cemetery land to be used for quiet recreation only.

Ibid., s. 7.

7—(1) The cemetery land, upon being laid out as a park or garden in accordance with this Act, shall be available to the public as a place of quiet recreation only, and no person shall cause or permit any competitive games or sports to be conducted therein.

(2) A person who contravenes the provisions of subsection (1) of this section is guilty of an offence.

Penalty: One hundred pounds.

Expenses: How defrayed. *Ibid.*, s. 8.

8—(1) All expenses incurred by the Minister in the execution of this Act shall be defrayed out of moneys appropriated by Parliament from the Loan Fund.

(2) In this section, "Loan Fund" means the Loan Fund established under section six of the *Public Account Act 1957*.

Indemnity. *Ibid.*, s. 9.

9 No action, claim, or demand lies or shall be brought or allowed by or in favour of any person against the Minister or any officer or servant employed by, or agent of, the Minister, 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 any thing done in good faith by the Minister, or by any such officer, servant, or agent, in the execution of this Act.

Regulations. Cf. No. 8 of 1951, s. 11.

10 The Governor may make regulations for the good rule and management of the public park or garden laid out pursuant to this Act, and for regulating and controlling the use thereof by the public, and, in particular and without prejudice to the generality of this section, for—

- (a) providing for the safety and preservation of any public property in or on, or in the vicinity of, the park or garden;
- (b) prescribing and regulating the removal from the park or garden of persons who cause any annoyance or inconvenience to other persons lawfully resorting thereto or who use any blasphemous, obscene, or indecent language therein;
- (c) regulating the days and times of admission to the park or garden or to any specified part thereof, and prescribing the terms and conditions of admission thereto;
- (d) prohibiting persons generally or any specified class or classes of persons from entering or remaining in or on the park or garden or any specified part thereof;

- (e) providing for the removal of animals from the park or garden; and
 (f) imposing penalties (not exceeding twenty pounds) for offences against the regulations.

THE SCHEDULE.

(Section 2.)

CITY OF HOBART.

St. John's Park.

2A. OR. 32 7/10P.

Commencing at a point distant 8 feet 5 inches south-easterly from 0 acres 2 roods 27 $\frac{7}{10}$ perches Hospital Site (Tasmanian Society for Crippled Children) and bounded on the north-west by 116 feet 3 $\frac{1}{2}$ inches north-easterly along part of 5 acres 1 rood 38 perches surrendered to the Crown on the north-east by 372 feet 0 $\frac{1}{2}$ inch south-westerly again along part of 5 acres 1 rood 38 perches aforesaid on the south-east by 254 feet 1 $\frac{1}{2}$ inch south-westerly again along that land on the south-west by 408 feet 6 $\frac{1}{2}$ inches north-westerly in two bearings along Crown land and thence again on the north-west by 123 feet 5 $\frac{1}{2}$ inches north-easterly again along that land to the point of commencement as the same is shown on Survey Diagram Volume 261 folio 17 filed and registered in the Office of the Surveyor-General and Secretary for Lands at Hobart.

STOCK.

No. 6 of 1961.

AN ACT to amend the *Stock Act 1932.*

[4 August 1961.]

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 *Stock Act 1961.*

Short title
and citation.

(2) The *Stock Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Part VIIIA of the Principal Act is repealed.

Licensing
of bulls.