

**OLD ROMAN CATHOLIC CEMETERY, CROWN
STREET, WOLLONGONG ACT.**

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 56, 1969.

An Act to provide for the use of certain land at Wollongong otherwise than as a cemetery; to dedicate part of that land as a public park; to add part of that land to an area dedicated for public recreation and showground; to declare part of that land to be a public road; to confer and impose certain powers, authorities, duties and functions on the Council of the City of Greater Wollongong and certain other persons; and for purposes connected therewith. [Assented to, 17th October, 1969.]

BE

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No. 56, 1969 **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 :—

Short title. 1. This Act may be cited as the "Old Roman Catholic Cemetery, Crown Street, Wollongong, Act, 1969".

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

“Council” means the Council of the City of Greater Wollongong;

“showground” means the area in the Parish and Town of Wollongong, County of Camden, City of Greater Wollongong, Land District of Kiama, dedicated under the provisions of the Crown Lands Consolidation Act, 1913, for public recreation and showground by notification published in Gazette number one hundred and six of the twenty-ninth day of June, one thousand nine hundred and fifty-one;

“showground trustees” means the trustees for the time being of the showground.

Divesting 3. (1) Any estate or interest in the lands described in
of estate the First, Second and Third Schedules to this Act which,
or interest immediately before the commencement of this Act, was vested
held in in or held by any person or body of persons is hereby divested.

lands in (2) Any person or body referred to in subsection one
First, of this section is hereby discharged from any duties, liabilities
Second and or obligations existing immediately before the commencement
Third of this Act in respect of or in relation to those lands.
Schedules
before com-
mencement
of Act.

(3)

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(3) Any trusts, conditions, encumbrances, appropriations, dedications or reservations, affecting those lands immediately before the commencement of this Act, are hereby revoked and annulled. No. 56, 1969

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

(2) Subject to this Act, the Council shall be the trustees of that land 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 that land.

(3) That land shall be maintained by the Council as a rest park and, notwithstanding anything in any other Act, but subject to the provisions of this Act, the Council shall not use that land or permit it to be used for any other purpose.

5. The land described in the Second Schedule to this Act shall be deemed to be land added to the showground under the provisions of subsection two of section twenty-four of the Crown Lands Consolidation Act, 1913, and the provisions of that subsection shall apply and have effect in respect of that land as if the Minister had, on the date of commencement of this Act, declared it to be added to the showground. Addition of land in Second Schedule to showground.

6. (1) The land described in the Third Schedule to this Act shall be deemed to be a public road, as if that land were a road and as if the Minister had, on the date of commencement of this Act, declared it to be a public road by notification under section eighteen of the Public Roads Act 1902. Declaration of land in Third Schedule as public road.

(2) Subsection one of this section has effect in respect of that land only as regards the surface thereof and to a depth of fifty feet below the surface thereof.

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Removal of
human
remains,
headstones,
etc.

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

- (a) compile a register of the names of and other relevant information in respect of persons buried in the lands described in the First, Second and Third Schedules to this Act, so far as those names and that information can by reasonable diligence be obtained, and deposit and maintain the register at the Town Hall, Wollongong, 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 from the lands described in the First, Second and Third Schedules to this Act all headstones, grave enclosures and similar surface structures that are, in the opinion of the Council, not reasonably capable of being preserved and dispose of them at the discretion of the Council;
- (e) remove and re-erect in new positions on the land described in the First Schedule to this Act, such of the headstones, grave enclosures and similar surface structures (other than those referred to in paragraph (d) of this subsection) on that land as the Council may deem necessary;
- (f) remove from the lands described in the Second and Third Schedules to this Act all headstones, grave enclosures and similar surface structures (other than those referred to in paragraph (d) of this subsection) and re-erect them on the land described in the First Schedule to this Act;
- (g)

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- (g) convert the land described in the First Schedule No. 56, 1969 to this Act into a rest park; and
- (h) erect a memorial of a design and in a position to be approved of by the Minister on the land described in the First Schedule to this Act to indicate the sacred nature of the area and that the register referred to in paragraph (a) of this subsection may be inspected at the Town Hall, Wollongong, and a copy of the register at the Mitchell Library, Sydney.

(2) At least three months before any headstones, grave enclosures or similar 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 appearance of the first advertisement referred to in subsection two of this section and before the expiration of three months after the appearance of the last of those advertisements the representatives or any persons claiming to be representatives of any person who is buried in those lands may, at their own expense, and with the permission of the Council, remove the headstone, grave enclosure or similar surface structure erected over or in respect of 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.

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No. 56, 1969 **8.** The showground trustees shall grant to the Council or any persons access to the land described in the Second Schedule to this Act for the purpose of enabling the Council or those persons to carry out any work or to do any act or thing authorised by this Act to be carried out or done on that land by the Council or those persons, as the case may be.

Access to
land in
Second
Schedule.

Works not
to be under-
taken until
after
removal
of head-
stones, etc.

9. Notwithstanding anything in this or any other Act, regulation, ordinance or by-law—

(a) the Council shall not carry out any works, or do any acts or things other than works, acts or things authorised by subsection one of section seven of this Act, on the land described in the Third Schedule to this Act; and

(b) the showground trustees shall not carry out any works or do any acts or things on the land described in the Second Schedule to this Act,

until the provisions of that subsection, except paragraphs (e), (g) and (h) thereof, have been complied with.

Remains
not to be
disturbed.

10. (1) The Council or the showground trustees or any person or body of persons shall take due care not to unearth or disturb the remains of any person who is buried in the lands described in the First, Second and Third Schedules to this Act.

(2) If any such remains—

(a) are unearthed or disturbed in the lands described in the First and Third Schedules to this Act—the Council; or

(b) are unearthed or disturbed in the land described in the Second Schedule to this Act—

(i) by the Council or any persons (other than the showground trustees) in the course of carrying out any work or doing any act or

thing

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thing authorised by this Act to be carried out or done on that land by the Council or those persons—the Council; or

- (ii) in any other circumstances—the show-ground trustees,

shall cause the remains to be reverently interred in a position considered by the Council to be suitable in the land described in the First Schedule to this Act.

(3) The Council shall grant the showground trustees access to the land described in the First Schedule to this Act for the purpose of interring any remains required under subsection two of this section to be interred by the showground trustees in that land.

(4) Nothing in this section prevents the removing of any remains pursuant to subsection three of section seven of this Act.

11. No compensation shall be payable to any person in respect of the carrying out of any work or the doing of any act or thing authorised by this Act. No compensation payable.

FIRST SCHEDULE.

All that piece or parcel of land containing by admeasurement 2 roods 36 $\frac{3}{4}$ perches be the same more or less situated in the County of Camden Parish of Wollongong at Wollongong being portions 93 and 94 as shown on plan catalogued C 3776-2041 in the Department of Lands, Sydney.

SECOND SCHEDULE.

All that piece or parcel of land containing by admeasurement 39 $\frac{1}{2}$ perches be the same more or less situated in the County of Camden Parish of Wollongong at Wollongong being portion 95 as shown on plan catalogued C 3777-2041 in the Department of Lands, Sydney.

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THIRD SCHEDULE.

All that piece or parcel of land containing by admeasurement 1 rood 16½ perches be the same more or less situated in the County of Camden Parish of Wollongong at Wollongong being portion 113 as shown on plan catalogued C 3873-2041 in the Department of Lands, Sydney.

OPTOMETRISTS