

NECROPOLIS (AMENDMENT) ACT.

Act No. 30, 1923.

George V, An Act to enable part of the Necropolis to be set
No. 30. aside for the cremation of bodies ; to amend
the Necropolis Act, 1901, the Public Health
Act, 1902, and certain other Acts ; and for
purposes connected therewith. [Assented to,
14th December, 1923.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative 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 "Necropolis
(Amendment) Act, 1923," and shall be construed with
the Necropolis Act, 1901.

**Amendment
of Act No. 20,
1902.** **2.** The Necropolis Act, 1901, is amended—
(a) by inserting after section eight, the following
new section :—

Crematorium. **8A.** (1) The Governor may, by proclamation
in the Gazette, set apart for use in connection
with a crematorium, the land described in the
Second Schedule, in this section referred to as
the subject land.

(2) The Governor may, by proclamation
in the Gazette, appoint trustees, not being
fewer than three in number, of the subject
land, and may remove any of the trustees so
appointed,

appointed, and upon the death, resignation, or removal of any trustee, may appoint another trustee in his stead.

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(3) Upon the appointment of the trustees the subject land shall, by virtue of this Act, be vested in the trustees for use in connection with a crematorium, subject to the provisions of this Act.

(4) In respect of the subject land the trustees may exercise the powers and shall have the duties conferred or imposed upon each body of trustees appointed under this Act. For the purpose of giving effect to this provision references in this Act to the burial or interment of the dead shall, unless the context otherwise requires, be deemed to include a reference to the cremation of dead bodies and the interment or disposition of the ashes.

(5) In addition to the powers and duties conferred and imposed on the trustees as aforesaid the trustees may—

- (a) erect and maintain a crematorium, chapel, columbarium, and such other buildings as they may consider necessary for the cremation of bodies of the dead, and the care of the ashes of the said bodies;
- (b) grant a lease of the subject land upon terms and conditions approved of by the Governor to enable the subject land to be effectively used by the lessee for the erection and maintenance of a crematorium, chapel, columbarium, and other buildings referred to in paragraph (a) of this subsection.

The lease may authorise the lessee to exercise the powers conferred upon the trustees by paragraph (a) of this subsection or by section twenty-four of this Act, and to impose such fees and charges as are specified in the lease.

(6)

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(6) The Governor may, by proclamation in the Gazette, set apart any portion of the Necropolis described in the proclamation as a road of access to the subject land, and thereupon the land comprised in such road shall be divested from the control of any trustees in whom it may have been previously vested.

Such proclamation may in like manner be varied or revoked.

Ibid. Schedule.
Sec. 5A.

(b) by inserting the following Schedule next after the Schedule to that Act:—

SECOND SCHEDULE.

Site for crematorium.

All that piece or parcel of land containing an area of 4 acres, municipality of Lidcombe, parish of Liberty Plains, county of Cumberland: Commencing at a point bearing 118 degrees 1 minute and distant $52\frac{9}{10}$ links from the intersection of the south-eastern side of the reserve carrying pipe for the water supply to Northern Suburbs with the eastern side of the railway line to Mortuary Station No. 4, such intersection being distant $1,430\frac{4}{10}$ links from the most north-western corner of the General Cemetery area, thence on the north by a line bearing 98 degrees 56 minutes 50 seconds $787\frac{1}{2}$ links, on the east by a line bearing 188 degrees 56 minutes 50 seconds $492\frac{8}{10}$ links, on the south by a line bearing 278 degrees 56 minutes 50 seconds $860\frac{1}{2}$ links, and on the west by lines bearing 24 degrees 57 minutes 26 seconds 50 links, 23 degrees 16 minutes 19 seconds 50 links, 21 degrees 35 minutes 12 seconds 50 links, 19 degrees 54 minutes 5 seconds 50 links, 18 degrees 12 minutes 58 seconds 50 links, 16 degrees 31 minutes 51 seconds 50 links, 14 degrees 50 minutes 44 seconds 50 links, 13 degrees 9 minutes 37 seconds 50 links, 11 degrees 28 minutes 30 seconds 50 links, and 9 degrees 47 minutes 23 seconds 50 links to the point of commencement as shown on plan catalogued Ms. 5,808 Sy., Department of Lands.

Further
amendment
of Act No. 20
of 1902.

3. The Necropolis Act, 1901, is further amended by inserting the following section next after section eighteen:—

Trustees
funds may be
expended
within
Necropolis.

18A. (1) It shall be lawful for the various bodies of trustees of lands within the Necropolis, either jointly or severally, to expend out of their separate funds such moneys as may be necessary—

(a) for the erection and keeping in repair of a fence (and if required to make rabbit-proof,

a ring fence) to enclose the whole of such lands or such portion thereof as may be required for use; or

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- (b) for the construction and maintenance of any roads, paths, or drains within the Necropolis; or
- (c) for the improvement and adornment of the areas set apart for extension, plantations, sites for mortuary churches, crematorium, or other purposes within the Necropolis; or
- (d) for any other work necessary for the proper or more effective management of the whole of the lands therein.

(2) The Minister may by notification published in the Gazette annually in the month of January appoint a joint committee consisting of one representative from each body of trustees nominated by each such body to direct and control any expenditure as aforesaid and to have the care and management of such fences, roads, paths, drains, extension, plantation, and other necessary works.

(3) Such committee shall make an estimate each year of the amount required during the current year for the construction and maintenance of fences, roads, paths, drains, extension, plantations, and other necessary works within the Necropolis.

Estimate to
be made of
cost of main-
tenance, &c.

(4) The committee is empowered to levy, with the approval of the Governor, an assessment on the income of each body of trustees calculated to produce the amount required for the construction and maintenance of the aforesaid fences, roads, paths, drains, plantations, and other necessary works; but such assessment shall not exceed ten per centum of the income of any body of trustees for the preceding year. The amount of the assessment shall be paid to the committee within sixty days after notice shall have been given to the various bodies of trustees of the assessment having been made.

Assessment
may be
levied.

(5)

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Minister may
inspect, &c.

(5) The Minister may cause inspection to be made of any works effected by the committee, and if it shall appear to him that any fence, road, path, drain, plantation, or other work is not being properly maintained, having regard to all the circumstances, he may require the committee to cause such repair or maintenance as he may deem necessary to be carried out.

Amendment
of Act No.
30, 1902.

4. The Public Health Act, 1902, is amended by omitting the proviso to section fifty-one, and by inserting the following new sections next after that section :—

Regulations.

51A. (1) The Governor may make regulations—

- (a) providing for the inspection of crematoria or of any buildings used in connection therewith ;
- (b) prescribing in what cases and under what conditions the cremation of bodies of the dead may take place ;
- (c) directing the disposition or interment of the ashes ;
- (d) prescribing the forms of the notices, certificates, and declarations to be given or made before any cremation is permitted to take place ;
- (e) providing for the registration of cremations which have taken place ;
- (f) generally as to all matters incidental to or connected with the cremation of dead bodies.

(2) The regulations shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication or from a later date to be specified in the regulations ; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice
has

has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

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(3) All statutory provisions relating to the destruction and falsification of registers of burials and the admissibility of extracts therefrom as evidence in courts and otherwise shall apply to the register of cremations directed by the regulations to be kept.

51B. (1) Every person who shall contravene any such regulation as aforesaid, or shall knowingly carry out or procure or take part in the cremation of any dead body except in accordance with the regulations shall (in addition to any liability or penalty which he may otherwise incur) be liable on summary conviction to a penalty not exceeding fifty pounds.

Penalties for
breach of
regulations,
&c.

(2) Every person who shall wilfully make any false declaration or representation, or sign or utter any false certificate, with a view to procuring the cremation of any dead body shall (in addition to any penalty or liability which he may otherwise incur) be liable on summary conviction to imprisonment, with or without hard labour not exceeding two years.

(3) Every person who, with intent to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or, with such intent, makes any declaration or gives any certificate prescribed by regulations made under the authority of this Act, shall be liable upon conviction on indictment to penal servitude for a term not exceeding five years.