

CAMPERDOWN CEMETERY (AMENDMENT) ACT.

Act No. 15, 1950.

**George VI,
No. 15, 1950.** An Act to amend the Camperdown Cemetery Act,
1 48, in certain respects; and for purposes
connected therewith. [Assented to, 9th
May, 1950.]

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,
citation
and com-
mencement.**

1. (1) This Act may be cited as the "Camperdown
Cemetery (Amendment) Act, 1950".

(2) The Camperdown Cemetery Act, 1948, as
amended by this Act, may be cited as the Camperdown
Cemetery Act, 1948-1950.

(3) (a) This section and section three of this Act
shall commence upon the day upon which His Majesty's
assent to this Act is signified.

(b) Sections two and five of this Act shall
commence upon a day to be appointed by the Governor
and notified by proclamation published in the Gazette.

(c) Section four of this Act shall be deemed
to have commenced on the first day of February, one
thousand nine hundred and forty-nine.

**Amendment
of Act No.
14, 1948.**

2. The Camperdown Cemetery Act, 1948, is amended—

Sec. 4.

**(Dedication
of land in
First
Schedule as
a park.)**

(a) (i) by omitting from subsection one of section
four the words "and the said land shall be
deemed to be a public park within the mean-
ing of the Public Parks Act, 1912";

(ii) by omitting subsection two of the same
section;

(iii).

- (iii) by omitting from subsection three of the same section the words "trustees thereof" and by inserting in lieu thereof the word "Trust";
- (iv) by omitting from the same subsection the words "said trustees" and by inserting in lieu thereof the word "Trust";
- (v) by omitting from subsection eight of the same section the words "The trustees of the land described in the First Schedule to this Act appointed under the Public Parks Act, 1912, shall plant the said land" and by inserting in lieu thereof the words "The Trust shall plant the land described in the First Schedule to this Act";
- (vi) by omitting from the same subsection the words "they consider" and by inserting in lieu thereof the words "it considers";
- (b) by inserting next after section four the following new sections:—

4A. (1) There shall be a Camperdown Memorial Rest Park Trust (in this Act referred to as the "Trust") which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Trust by or under this Act.

Camper-
down
Memorial
Rest Park
Trust.

(2) (a) The Trust shall consist of seven members appointed in the manner hereinafter provided.

(b) Two of the members shall be appointed by the Synod of the Diocese of Sydney or, when such Synod is in recess, by the Standing Committee of such Synod.

Upon the commencement of this section, the Right Reverend William George Hilliard, Bishop Coadjutor, Diocese of Sydney, and Percy Walter Gledhill, Esquire, shall be deemed to have been appointed members of the Trust pursuant to this paragraph and shall, subject to this section, hold office accordingly.

(c)

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(c) The other five members shall be appointed by the Council of the City of Sydney.

(3) A member shall be deemed to have vacated his office if—

(a) he dies;

(b) he resigns his office; or

(c) in the case of a member appointed pursuant to paragraph (b) of subsection two of this section, he is removed from office by the Synod of the Diocese of Sydney or, when such Synod is in recess, by the Standing Committee of such Synod for any cause which to such Synod or Standing Committee, as the case may be, appears sufficient; or

(d) in the case of a member appointed pursuant to paragraph (c) of the same subsection, he is removed from office by the Council of the City of Sydney for any cause which to such Council appears sufficient.

(4) Four members shall, unless a greater number is fixed by by-law made by the Trust in that behalf, form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Trust.

A decision of the majority of the members present at a meeting shall be the decision of the Trust.

(5) The Trust shall be a body corporate under the name of the "Camperdown Memorial Rest Park Trust" with perpetual succession and a common seal, and may sue and be sued by that name in all courts whatsoever, and shall be capable of holding real and personal property.

(6) No act or proceeding of the Trust shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the office of any member.

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4B. The Trust shall, for all purposes of this Act and of any by-law made by the Trust, be deemed to hold an estate in fee simple in the land described in the First Schedule to this Act, but shall not be capable of alienating, charging or in any way disposing of such land, or any part thereof.

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Estate of
Trust.

4C. (1) The Trust may make by-laws—

By-laws.

(a) regulating its meetings and the conduct of business thereat;

No. 40,
1912, s. 9.

(b) for the protection of shrubs, trees, and herbage growing upon the land described in the First Schedule to this Act;

(c) regulating the use and enjoyment of such land; and

(d) for the removal of trespassers and other persons causing annoyance or inconvenience upon such land.

(2) The Trust may by such by-laws impose a penalty not exceeding ten pounds for any breach thereof.

(3) Such by-laws shall—

(a) after approval by the Governor be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in the by-laws; and

(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is 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 been given at any time within fifteen sitting days after the by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall thereupon cease to have effect.

(4)

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(4) A copy of such by-laws shall be posted in some conspicuous place in such land.

Aid of
police may
be
called in if
necessary.
No. 40, 1912,
s. 11.

4D. The Trust or any ranger or other officer appointed by it may call in the aid of the police for the removal, by force if necessary, of any person who is found committing a breach of any by-law, or who by disorderly or insulting conduct upon or in the immediate neighbourhood of the land described in the First Schedule to this Act, causes annoyance or inconvenience to persons being on the said land, or going to or coming from the same.

Legal pro-
ceedings.
No 40, 1912,
s. 12.

4E. (1) Proceedings for the recovery of any penalty imposed for the breach of any by-law made by the Trust, may be taken in a summary way before any stipendiary magistrate, or before any two justices at the court of petty sessions nearest to the place where the breach of such by-law was committed.

(2) The whole amount of all such penalties shall be paid to the Trust for the purposes of the trust upon which the land described in the First Schedule to this Act is held.

(3) In any such proceedings, it shall be presumed that such by-laws were duly posted and published until the contrary be shown.

Power of
Council of
City of
Sydney to
improve
Park.

4F. The Council of the City of Sydney may, by agreement with the Trust, improve and embellish the land described in the First Schedule to this Act or may, subject to such terms and conditions as the Council may impose, provide moneys to the Trust to be expended by it on such improvement and embellishment.

Further
amendment
of Act No.
14, 1948.
New sec. 5A.

3. The Camperdown Cemetery Act, 1948, is further amended by inserting next after section five the following new section:—

Power to
fill in
vaults.

5A. Notwithstanding anything contained in this Act, the Minister shall have power, on the recommendation of the Director-General of Public Health,

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Health, to cause any vault in the land described in the Second Schedule to this Act to be filled in for the purpose of preventing such vault from giving off drainage which in the opinion of the Director-General of Public Health is detrimental to public health.

4. The Camperdown Cemetery Act, 1948, is further amended by omitting the First and Second Schedules thereto and by inserting in lieu thereof the following Schedules:—

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Further amendment of Act No. 14, 1948. Schedules.

FIRST SCHEDULE.

All that piece or parcel of land containing 8 acres 14 perches be the same more or less situated in the Parish of Petersham, County of Cumberland, City of Sydney, commencing at the junction of the south-eastern side of Federation Street with the south-western side of Church Street and bounded thence, on the north-east, by Church Street bearing 160 degrees 34 minutes 40 seconds 210 feet 8½ inches and thence 160 degrees 23 minutes 49 feet 4½ inches, on the south-east by a line bearing 250 degrees 0 minutes 15 seconds 571 feet 9¼ inches, again on the north-east by a line bearing 160 degrees 20 minutes 357 feet 11 inches, generally on the north-west by lines bearing 70 degrees 5 minutes 37 feet 1 inch, 160 degrees 5 minutes 31 feet 4¾ inches, 70 degrees 5 minutes 33 feet 5½ inches, 340 degrees 5 minutes 31 feet 4¾ inches and thence 70 degrees 5 minutes 368 feet 9¾ inches, again on the north-east by a line bearing 159 degrees 37 minutes, 103 feet 4 inches to Lennox Street, again on the south-east by Lennox Street bearing 249 degrees 41 minutes 653 feet 8½ inches, on the south-west by the north-eastern boundaries of lots 11 to 31 both inclusive in Deposited Plan 7 in all bearing 340 degrees 01 minute 698 feet 10½ inches, and thence by lines bearing 70 degrees 28 minutes 1 foot 3½ inches and thence 340 degrees 01 minute 33 feet 2½ inches to Federation Street aforesaid, and again on the north-west by Federation Street bearing 70 degrees 23 minutes 788 feet 6½ inches to the point of commencement.

SECOND SCHEDULE.

All that piece or parcel of land containing 4 acres 3 roods 5¾ perches be the same more or less situated in the Parish of Petersham, County of Cumberland, City of Sydney, commencing on the south-western side of Church Street, at the most easterly corner of the area 8 acres 14 perches described in the First Schedule to this Act and bounded thence on the north-east by Church Street bearing 160 degrees 23 minutes 378 feet 9¼ inches, generally on the south-east by lines bearing

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Removal of
trustees
and matters
consequent
thereon.

5. (1) The persons who, immediately before the commencement of this section, held office as trustees of the land described in the First Schedule to the Camperdown Cemetery Act, 1948-1950, are hereby removed from office.

(2) (a) All property which, immediately before the commencement of this section, was vested in or belonged to the trustees removed from office by subsection one of this section (in this section referred to as the "old trustees") and which was held by them as trustees of the Camperdown Memorial Rest Park (which property is in this section referred to as the "trust property") shall, upon such commencement, vest in and belong to the Camperdown Memorial Rest Park Trust, and shall be held by such Trust for the purpose of the trust upon which the land described in the First Schedule to the Camperdown Cemetery Act, 1948-1950, is held.

(b) All moneys, liquidated and unliquidated claims which, immediately before the commencement of this section, were payable to or recoverable by the old trustees in relation to the trust property shall be moneys, liquidated and unliquidated claims payable to and recoverable by the Camperdown Memorial Rest Park Trust. Such Trust may pursue the same remedies for the recovery of such moneys and claims as the old trustees might have done but for this Act.

(c) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the old trustees solely relating to the trust property shall be debts due and moneys payable by and claims recoverable against the Camperdown Memorial Rest Park Trust.