

EAST BALLINA CEMETERY ACT.

Act No. 37, 1957.

An Act to dedicate certain land at East Ballina as a public park; to make provision for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on such trustees; and for purposes connected therewith. [Assented to, 22nd November, 1957.]

Elizabeth II,
No. 37, 1957.

BE 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:—

1. This Act may be cited as the "East Ballina Cemetery Act, 1957". Short title.

2. (1) The land described in the Schedule to this Act is hereby dedicated as a public park and the said land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912, as amended by subsequent Acts, and the Council of the Municipality of Ballina (hereinafter referred to as the Council) shall be trustees of the said land for all purposes of that Act, as so amended, and shall be deemed to have been appointed pursuant to that Act to be the trustees of the said land. Dedication of land in Schedule as a public park.

No. 37, 1957.

(2) The said park shall be maintained by the Council as a rest park and garden area and, notwithstanding anything in any other Act, the Council shall not use the said park or permit the same to be used for any other purpose.

(3) (a) Any estate or interest in the land described in the Schedule to this Act which, immediately before the commencement of this Act, was vested in or held by the Council or by any person or body of persons is hereby divested.

(b) The Council and all such persons and bodies are hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the said land.

(c) Any trusts, conditions, encumbrances, dedications or reservations affecting the said land immediately before the commencement of this Act are hereby revoked and annulled.

Removal of
human
remains,
headstones,
etc.

3. (1) The Council shall, as soon as practicable after the commencement of this Act,—

- (a) compile an index plan and register of the names of and other relevant information in respect of persons buried in the said land, so far as such names and information can be obtained, and deposit and maintain such plan and register at the office of the Town Clerk at Ballina so as to be available for inspection by any interested person from time to time;
- (b) furnish a certified copy of such plan and register to the Minister;
- (c) remove all headstones, grave enclosures, and other surface structures on the said land and rearrange or dispose of the same at the discretion of the Council;

(d)

- (d) plant the said land with trees, lawns and flowers and otherwise improve it for a rest park and garden area; No. 37, 1957.
- (e) erect a substantial memorial, of a design to be approved by the Minister, in a suitable position on the said land indicating the sacred nature of the area and that particulars of the interments therein may be inspected at the office of the Town Clerk at Ballina.

(2) At least three months before any headstones, grave enclosures, or other surface structures are removed by the Council an advertisement of the intention to remove the same 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 from the appearance of the last of such advertisements the representatives or any persons claiming to be the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure, or other surface structure erected over the grave of such person, and may, at their own expense, and with the permission of the Director-General of Public Health, remove to such cemetery as they desire the remains of such person:

Provided that any such representatives or persons claiming to be such representatives shall give to the Council not less than fourteen days' notice of their intention.

(4) The Council may do such other things as it considers necessary to effect the conversion of the said land into a rest park and garden area.

**Royal New South Wales Institution for Deaf and Blind
Children Act.**

No. 37, 1957.

No com-
pensation
payable.

(5) No compensation shall be payable to any person in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act.

SCHEDULE.

Sec. 2 (1).

ALL THAT piece or parcel of land containing by admeasurement 1 acre 20½ perches be the same more or less situate in the Town of Ballina Parish of Ballina County of Rous being allotment 7 section 12 and shown on plan catalogued Ballina 127-1612 at the Department of Lands, Sydney. Commencing on the southern side of Park-street at the north-western corner of allotment 2 section 12 and bounded thence on the north by that street bearing 269 degrees 39 minutes 2 chains 64 2/10 links on the north-west by a line bearing 223 degrees 55 minutes 27 9/10 links on the west by a public road bearing 178 degrees 12 minutes 4 chains 66 5/10 links on the south-west by a line bearing 114 degrees 8 minutes 35 links on the south-east by north-western sides of Main Road No. 545 bearing 50 degrees 5 minutes 2 chains 15 5/10 links and 33 degrees 7 minutes 1 chain 33 8/10 links and on the east by part of the western boundary of allotment 2 aforesaid bearing 359 degrees 39 minutes 2 chains 51 9/10 links to the point of commencement.
