

NECROPOLIS (AMENDMENT) ACT 1986 No. 145

NEW SOUTH WALES



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1901

NECROPOLIS (AMENDMENT) ACT 1986 No. 145

NEW SOUTH WALES



Act No. 145, 1986

An Act to amend the Necropolis Act 1901 with respect to the administration of the Necropolis, and in other respects. [Assented to 17 December 1986]

See also Public Health (Necropolis) Amendment Act 1986.

Necropolis (Amendment) 1986

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:

Short title

1. This Act may be cited as the "Necropolis (Amendment) Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Schedule 1, and section 3 in its application to that Schedule, shall commence on the date of assent to this Act.

(3) Schedule 2, and section 3 in its application to that Schedule, shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 20, 1902

3. The Necropolis Act 1901 is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE NECROPOLIS ACT 1901 RELATING TO
ROOKWOOD CREMATORIUM

- (1) Section 8B (**Lease of land in Second Schedule**)—

Section 8B (1) (a), (b)—

Before "the Second Schedule" wherever occurring, insert "Part 1 of".

SCHEDULE 1—*continued*AMENDMENTS TO THE NECROPOLIS ACT 1901 RELATING TO
ROOKWOOD CREMATORIUM—*continued*

(2) Sections 8C, 8D—

After section 8B, insert:

Extension of section 8B lease

8C. (1) On the commencement of this section—

- (a) any lease of the whole or any part of land described in Part 2 of the Second Schedule and in force immediately before the commencement of this section is determined; and
- (b) any part of the land described in the Second Schedule which is not already vested in the Crown vests in the Crown.

(2) On and from the commencement of this section, the lease referred to in section 8B shall be deemed to be a lease of the whole of the land described in the Second Schedule.

(3) No compensation is payable to any person or body of persons in connection with the operation of this section.

Amendment of section 8B lease

8D. (1) On and from the commencement of this section, the lease referred to in section 8B shall (in addition to its other terms and conditions) be deemed to contain the terms and conditions specified in the Third Schedule.

(2) The terms and conditions of that lease are of no effect to the extent that they are inconsistent with any additional terms or conditions which this section deems the lease to contain.

(3) Second Schedule—

- (a) Omit the headings to the Schedule, insert instead:

SECOND SCHEDULE

(Sec. 8A)

CREMATORIUM SITE

PART 1

*Necropolis (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE NECROPOLIS ACT 1901 RELATING TO
ROOKWOOD CREMATORIUM—*continued*

(b) At the end of the Schedule, insert:

PART 2

All the land comprising Lot 488 in Deposited Plan 48288,
except the land described in Part 1 of this Schedule.

(4) Third Schedule—

After the Second Schedule, insert:

THIRD SCHEDULE

(Sec. 8D)

ADDITIONAL TERMS AND CONDITIONS OF SECTION 8B LEASE

Notice of cessation or reduction of operations

1. (1) The lessee shall give the lessor at least 12 months' notice in writing of a proposed cessation or substantial reduction in the extent of the activities carried on by the lessee in connection with the operation of a crematorium on the land.

(2) The lessor may, in a particular case, waive the requirement for notice under this clause.

Determination of lease for cessation or reduction of activities

2. (1) If—

- (a) there is a cessation or reduction in the extent of the activities carried on by the lessee in connection with the operation of a crematorium on the land;
- (b) the lessor is satisfied that the cessation or reduction is due to any act by the lessee or a related corporation of the lessee (within the meaning of the Companies (New South Wales) Code);
- (c) the lessor has given the lessee notice in writing that the cessation or reduction is not acceptable; and
- (d) within 30 days after that notice is given the lessee has not remedied the matter to the satisfaction of the lessor,

the lessor may by notice in writing to the lessee direct that the lease is determined.

*Necropolis (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE NECROPOLIS ACT 1901 RELATING TO
ROOKWOOD CREMATORIUM—*continued*

(2) On service of the notice on the lessee, the lease is determined.

Subleasing

3. The lessee shall not sublease or otherwise part with possession of the whole or any part of the land, except with the written consent of the lessor.

Rent

4. (1) The rent payable by the lessee is payable on 1 August in each year.

(2) The amount of rent payable on 1 August in a year is the amount which is the greater of the following:

(a) 10 per cent (or such other proportion as may be agreed on by the lessor and the lessee) of the value of the land as at 1 July immediately preceding that 1 August;

(b) 5 per cent of the imputed revenue of the lessee during the period of 12 months ending on 1 July immediately preceding that 1 August.

(3) The imputed revenue of the lessee during a period is the total of—

(a) the actual revenue derived by the lessee during the period from its operations on the land; and

(b) any additional revenue (not taken into account under paragraph (a)) which the lessee would have derived during the period from its operations on the land had the lessee been paid at full value for the services it provided during the period in the course of those operations.

(4) The services provided by the lessee include permitting other persons to use the land, or the buildings and other facilities on the land, for any purpose.

(5) A reference to revenue is a reference to gross revenue, without deduction of any tax, charge, cost or other expense chargeable to revenue.

Calculation of rent—value of land

5. (1) For the purpose of ascertaining the rent payable, the value of the land shall be determined in accordance with this clause.

(2) The value of the land at a particular time is the value determined by the Valuer-General (appointed under the Valuation of Land Act 1916) in accordance with subclause (3) and notified to the lessor most recently before that time.

*Necropolis (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE NECROPOLIS ACT 1901 RELATING TO
ROOKWOOD CREMATORIUM—*continued*

(3) The value of the land is the capital sum which the fee-simple of the land might be expected to realise if offered for sale on such reasonable terms and conditions as a seller in good faith would require, assuming that—

- (a) the land were to continue to be used in connection with a crematorium;
- (b) the land were to be sold as 1 parcel; and
- (c) the improvements, other than land improvements (within the meaning of the Valuation of Land Act 1916), made or acquired by the lessee had not been made.

(4) The lessor shall forward a copy of any such valuation of the Valuer-General to the lessee as soon as practicable after the lessor receives it.

Statement of imputed revenue

6. (1) The lessee shall, within 30 days after 1 July in each year, furnish to the lessor a statement as to the imputed revenue of the lessee during the period of 12 months ending on that 1 July.

(2) The statement shall be certified as correct by a person registered as a public accountant under the Public Accountants Registration Act 1945.

(3) The lessee shall permit the lessor, and any person appointed by the lessor for the purpose, to inspect and take copies of or extracts from such of the financial records of the lessee as may be necessary to enable the lessor to ascertain the imputed revenue of the lessee during a period.

Set off of rent paid in advance

7. (1) If, before the date of assent to the Necropolis (Amendment) Act 1986, the lessee has paid rent in advance, the lessee is entitled to set off against any rent payable after that commencement the appropriate proportion of rent paid in advance.

(2) The appropriate proportion is the amount certified by the lessor as being the proportion of the rent paid in advance attributable to the period commencing on 1 August immediately following the date of assent to the Necropolis (Amendment) Act 1986.

Reassessment of rent

8. (1) If the lessor is of the opinion that the amount taken into account as the imputed revenue of the lessee for the purpose of determining the rent payable by the lessee is less than the correct amount, the lessor may notify the lessee in writing of the amount which the lessor calculates is the correct amount.

*Necropolis (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE NECROPOLIS ACT 1901 RELATING TO
ROOKWOOD CREMATORIUM—*continued*

(2) Within 30 days after being notified, the lessee shall pay as rent the amount by which the rent actually paid by the lessee is less than the rent which would have been payable had the amount notified by the lessor been taken into account as the imputed revenue of the lessee.

Determination of lease by lessee

9. (1) The lessee may, by notice in writing to the lessor, request that the lease be determined.

(2) If, during the period of 12 months after the request is made, the lessee complies with the terms and conditions of the lease, the lease is determined at the end of that 12 months period.

Determination of lease—compensation

10. If the lease is determined by reason of the operation of a provision of the lease, no compensation is payable to any person in connection with the determination.

SCHEDULE 2

(Sec. 3)

MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT 1901

(1) Sections 3, 5—

Omit the sections.

(2) Section 6 (**Interpretation**)—

(a) Section 6 (1), definition of “Joint Committee”—

Before the definition of “Necropolis”, insert:

“Joint Committee” means the Joint Committee of Necropolis Trustees constituted by section 20.

*Necropolis (Amendment) 1986*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

(b) Section 6 (1), definitions of “Regulation”, “Trustees”—

After the definition of “Necropolis”, insert:

“Regulation” means a regulation made under this Act.

“Trustees”, in relation to any portion of the Necropolis, means the persons holding office as trustees of the portion under Part III B of the Crown Lands Consolidation Act 1913.

(c) Section 6 (3)—

After section 6 (2), insert:

(3) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) Sections 7A, 7B—

After section 7, insert:

Application of Crown Lands Consolidation Act 1913

7A. (1) The following land shall, for the purposes of the Crown Lands Consolidation Act 1913, be deemed to have been dedicated for a public purpose under section 24 of that Act:

- (a) the portions within the Necropolis set apart for the use of a particular denomination;
- (b) the portions within the Necropolis set apart for use as a general cemetery;
- (c) the portions within the Necropolis set apart for use in connection with a crematorium;

*Necropolis (Amendment) 1986*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

(d) the portions within the Necropolis set apart for conservation as an historic site.

(2) This section applies to land set apart before or after the commencement of this section.

Land set apart for conservation as historic site

7B. (1) The Minister may, by notification published in the Gazette, set apart portions within the Necropolis at Rookwood for conservation as an historic site.

(2) If a body of trustees recommends to the Minister that land vested in the trustees under this Act be set apart for conservation as an historic site, the Minister may divest the land from the trustees under section 10A and set the land apart accordingly.

(4) Section 8A (Crematorium)—

Section 8A (2)-(4)—

After section 8A (1), insert:

(2) Trustees of the land described in the Second Schedule shall not be appointed while the lease referred to in section 8B is in force.

(3) In addition to their other powers, trustees of the land described in the Second Schedule shall have power—

(a) to erect and maintain a crematorium, chapel, columbarium and such other buildings as the trustees consider necessary for the cremation of bodies of the dead and the care of ashes; and

(b) to grant a lease of the land, on terms and conditions approved by the Minister, to enable the land to be used by the lessee in connection with a crematorium.

(4) The lease may authorise the lessee to exercise any power of the trustees under subsection (3) (a) or section 24.

*Necropolis (Amendment) 1986*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*(5) Section 8B (**Lease of land in Second Schedule**)—

(a) Section 8B (1) (c)–(e)—

Omit section 8B (1) (c)–(f), insert instead:

- (c) the functions conferred or imposed on the lessors by that lease may be exercised by the Minister on behalf of the Crown;
- (d) the Minister may, in relation to land to which that lease applies, exercise any functions that would, if that land were vested in trustees under this Act, be conferred on those trustees in relation to that land;
- (e) the rent payable under that lease shall be paid by the lessee to the Joint Committee to be applied in the exercise of the Joint Committee's functions.

(b) Section 8B (3)—

Omit "powers, authorities, duties and".

(6) Section 10 (**Adjustment of boundaries**)—

Omit "land whether appointed under any of the Acts hereby repealed or this Act", insert instead "land,".

(7) Section 10A—

After section 10, insert:

Divesting of land with consent of trustees

10A. (1) With the consent of the trustees concerned, the Minister may, by notification published in the Gazette, divest from the trustees the whole or any part of a portion of land vested in them under this Act.

(2) On publication of the notification, the land is divested from the trustees and may be set apart as provided by this Act.

Necropolis (Amendment) 1986

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

(8) Section 11 (Vesting of lands set apart)—

Section 11 (2), (3)—

At the end of section 11, insert:

(2) On the appointment of trustees of the land described in the Second Schedule, that land shall vest in those trustees and their successors.

(3) Each portion of land set apart for conservation as an historic site shall, on publication of the relevant notification in the Gazette, vest in the trustees of land set apart for that purpose and their successors.

(9) Section 12 (Nature of trusts)—

(a) Section 12—

Omit “appointed under this Act”, insert instead “appointed for the purposes of this Act”.

(b) Section 12 (2)—

At the end of section 12, insert:

(2) Subject to this Act, the trustees of land set apart for conservation as an historic site—

(a) shall hold that land for the purpose of the conservation of historic sites on that land;

(b) may allow that land to be used as a burial ground for burying the dead; and

(c) shall hold that land subject to any right granted under section 24 (exclusive burial rights, etc.) and applicable to that land.

*Necropolis (Amendment) 1986*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

(10) Sections 14, 15—

Omit sections 14–16, insert instead:

Appointment of trustees

14. (1) Trustees may be appointed in accordance with Part III B of the Crown Lands Consolidation Act 1913—

- (a) for the land set apart for the use of a particular denomination;
- (b) for the land set apart for use as a general cemetery;
- (c) for the land set apart for use in connection with a crematorium; and
- (d) for the land set apart for conservation as an historic site.

(2) A person shall not be appointed as a trustee of land set apart for the use of a particular denomination unless the person is of that denomination.

Powers, etc., of trustees

15. Each body of trustees shall have and may exercise the functions conferred or imposed by or under this Act and the Crown Lands Consolidation Act 1913.

(11) Sections 18–20F—

Omit sections 18–20, insert instead:

Cremation fees and charges

18. (1) The Minister may from time to time approve and notify in the Gazette maximum fees and charges payable in respect of the following matters on land described in the Second Schedule:

- (a) the cremation of bodies;
- (b) the interment or placement of ashes;

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

(c) the right of erecting or placing any monument, tablet or monumental inscription.

(2) The fees and charges payable shall not exceed the maximum so approved and notified.

(3) The operator of a crematorium on land described in the Second Schedule shall display at all times in a conspicuous position at the crematorium a list of the maximum fees and charges applicable from time to time.

(4) The operator of a crematorium on land described in the Second Schedule shall cremate the body of and allow the interment of the ashes of any poor person free of charge on that land.

Chaplain's stipend

19. Each body of trustees is authorised to pay out of its funds the stipend of their chaplain or any minister officiating at the burial service for an interment within the portion of which they are trustees.

Joint Committee of Necropolis Trustees

20. (1) There is constituted by this section a corporation under the corporate name of the "Joint Committee of Necropolis Trustees".

(2) Section 38 of the Interpretation Act 1897 applies in respect of that corporation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act 1969.

(3) The Joint Committee shall have and may exercise the functions conferred or imposed on it by or under this or any other Act.

(4) The Joint Committee shall have and may exercise such other functions as may be prescribed.

*Necropolis (Amendment) 1986*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

- (5) The Joint Committee shall consist of—
- (a) a member nominated by each body of trustees (except the Joint Committee itself) and appointed by the Minister, being in each case one of the trustees of the body of trustees making the nomination; and
 - (b) not more than 4 other members who shall be persons appointed by the Minister.
- (6) For the purpose of appointing a person to be a member (other than a person nominated by trustees), the Minister may appoint a person who holds a particular office or position to be a member by virtue of the person holding that office or position.
- (7) The Fourth Schedule has effect with respect to the members and the procedure of the Joint Committee.

General functions of Joint Committee

- 20A. (1) The Joint Committee shall construct, care for, control and maintain fences, roads, paths, drains, plantings and other necessary works within the Necropolis.
- (2) The Minister may cause an inspection to be made of the Necropolis for the purpose of determining whether the Joint Committee is properly exercising its functions under this section.
- (3) If the Minister is satisfied that those functions are not being properly exercised, the Minister may give directions to the Joint Committee with respect to the proper exercise of those functions and the Joint Committee shall comply with those directions.

Contributions to Joint Committee by trustees

- 20B. (1) The Joint Committee may, from time to time, make an assessment of the amount it requires to enable it to exercise its functions under section 20A.

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

(2) If the Minister approves in writing of the amount assessed, the Joint Committee may require each body of trustees (except the Joint Committee itself) by notice in writing to pay to the Joint Committee a proportion (determined in accordance with the regulations) of the amount assessed.

(3) The regulations may—

- (a) require different bodies of trustees to pay different proportions; and
- (b) provide for the proportion to be calculated on the basis of the number of interments or cremations carried out or on any other basis.

(4) Each body of trustees shall pay the required amount within 60 days after receiving notice from the Joint Committee to do so and the Joint Committee may recover any amount unpaid as a debt in a court of competent jurisdiction.

(5) When no trustee holds office as trustee of the land described in the Second Schedule, a reference in this section to a body of trustees includes a reference to a person conducting a crematorium on that land.

Provision of services by Joint Committee

20c. (1) The Joint Committee may enter into any agreement or arrangement with a body of trustees appointed for the purposes of this Act, for the provision of services to or by the trustees.

(2) The services provided may include but are not limited to—

- (a) grass-cutting and gravedigging services; and
- (b) managerial services.

(3) Any such agreement or arrangement—

- (a) may make provision for the payment of charges for the services provided; and

*Necropolis (Amendment) 1986*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

- (b) shall not have any connection with or effect on the liability of trustees to make a payment under section 20B.

Preparation of plans of management by Joint Committee

20D. (1) If directed to do so by the Minister, the Joint Committee shall cause a plan of management to be prepared with respect to the whole or any part of land within the Necropolis.

(2) Sections 37U and 37V (plans of management) of the Crown Lands Consolidation Act 1913 apply to the plan of management as if it were a plan of management under those sections.

(3) Those sections so apply as if a reference in them—

- (a) to a reserve were a reference to land within the Necropolis; and
(b) to trustees included a reference to the Joint Committee.

Financial assistance to trustees

20E. (1) The Joint Committee may give financial assistance to a body of trustees appointed for the purposes of this Act, to be applied for the purpose or purposes specified by the Joint Committee.

(2) For the purpose of giving that assistance, the Joint Committee may use any of its funds other than funds received under section 20B.

Reports to Minister

20F. The Joint Committee shall prepare and furnish to the Minister such reports concerning its activities within the Necropolis as the Minister may from time to time require.

(12) Sections 26, 27—

Omit the sections.

*Necropolis (Amendment) 1986*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*(13) Section 34 (**Prosecutions by trustees**)—

(a) Section 34 (1)—

Omit “this Act or under any rules and”, insert instead “this Act or the Crown Lands Consolidation Act 1913, or under any rules, by-laws or”.

(b) Section 34 (2)—

Omit the subsection.

(14) Section 36—

Omit the section, insert instead:

Delegation by Minister

36. (1) The Minister may delegate to the holder of a prescribed office the exercise of such of the Minister’s functions under this Act (other than this power of delegation) as are prescribed in relation to the holder of that office.

(2) A delegation under this section—

- (a) shall be in writing;
- (b) may be general or limited;
- (c) may be revoked, wholly or partly, by the Minister; and
- (d) is not revoked by reason only that the person who held the office of Minister when the delegation was made ceases to hold that office.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions and limitations as are specified in the instrument of delegation or imposed by the regulations.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Minister.

*Necropolis (Amendment) 1986*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

(5) A delegation under this section does not prevent the exercise of a function by the Minister.

(6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(15) Section 37 (**Regulations**)—

Section 37 (2) (a), (b)—

Omit “joint committee” wherever occurring, insert instead “Joint Committee”.

(16) Section 38—

After section 37, insert:

Savings and transitional provisions

38. The Fifth Schedule has effect.

(17) Fourth, Fifth Schedules—

After the Third Schedule, insert:

FOURTH SCHEDULE

(Sec. 20)

PROVISIONS RELATING TO THE MEMBERS AND
THE PROCEDURE OF THE JOINT COMMITTEE**Interpretation**

1. In this Schedule—

“member” means a member of the Joint Committee.

Age of members

2. A person of or above the age of 70 years is not eligible to be appointed as a member or to act in the office of member.

Necropolis (Amendment) 1986

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued***Acting members**

3. (1) The Minister may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be the member.

(2) The Minister may remove any person from any office to which the person was appointed under this clause.

(3) For the purposes of this clause, a vacancy in the office of a member shall be deemed to be an absence from office of the member.

Term of office

4. Subject to this Schedule, a member shall hold office for such period not exceeding 5 years as may be specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.

Filling of vacancy in office of member

5. (1) If the office of any member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

(2) If an additional body of trustees is appointed for the purposes of this Act, a vacancy shall be deemed to have occurred in the office of a member of the Joint Committee nominated by those trustees.

(3) If the office of a member nominated by a body of trustees becomes vacant and the trustees concerned fail within the time allowed by the Minister to nominate a person to fill the vacancy, the Minister may appoint any person to fill the vacancy.

Casual vacancies

6. (1) A member shall be deemed to have vacated office if the member—

(a) dies;

(b) being a member nominated by a body of trustees, ceases to hold office as one of those trustees;

(c) absents himself or herself from 4 consecutive meetings of the Joint Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister for being absent from those meetings;

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- (d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
 - (e) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;
 - (f) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
 - (g) resigns the office by instrument in writing addressed to the Minister;
 - (h) attains the age of 70 years; or
 - (i) is removed from office by the Minister under subclause (2).
- (2) The Minister may remove a member from office.

General procedure at meetings

7. The procedure for the calling of meetings of the Joint Committee and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Joint Committee.

Quorum

8. The quorum for a meeting of the members is the number of members ascertained by dividing the total number of members by 2 and adding 1 to the quotient (any fractional remainder being disregarded).

Presiding member

9. (1) A member elected as chairperson for the meeting by the members present at a meeting shall preside at a meeting of the Joint Committee.

(2) The member presiding at any meeting of the Joint Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

Voting

10. A decision supported by a majority of the votes cast at a meeting of the Joint Committee at which a quorum is present shall be the decision of the Joint Committee.

Necropolis (Amendment) 1986

SCHEDULE 2—*continued*
 MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
 1901—*continued*

Minutes

11. The Joint Committee shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Joint Committee.

FIFTH SCHEDULE

(Sec. 38)

SAVINGS AND TRANSITIONAL PROVISIONS

*Necropolis (Amendment) Act 1986***Former trustees**

1. On the commencement of Schedule 2 to the Necropolis (Amendment) Act 1986, any trustee holding office under this Act immediately before that commencement ceases to hold that office but is eligible, if otherwise qualified, to be re-appointed as trustee for the purposes of this Act.

Transfer of assets, etc., of trustees

2. Section 37vv (2) of the Crown Lands Consolidation Act 1913 operates in respect of the appointment under that Act of trustees of land within the Necropolis as if, immediately before the appointment, the land had been a reserve within the meaning of Part IIb of that Act.

Abolition of previous joint committee

3. The joint committee constituted under this Act immediately before the commencement of Schedule 2 to the Necropolis (Amendment) Act 1986 is, on that commencement, abolished.

Transfer of assets, etc., of Joint Committee

4. Section 37vv (2) of the Crown Lands Consolidation Act 1913 applies to and in respect of the Joint Committee as if a reference in that section—

- (a) to the operative time were a reference to the commencement of Schedule 2 to the Necropolis (Amendment) Act 1986;
- (b) to the prior time were a reference to the time immediately before that commencement;
- (c) to the former controllers were a reference to the Joint Committee abolished by clause 3;

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE NECROPOLIS ACT
1901—*continued*

- (d) to the present controllers were a reference to the Joint Committee constituted under section 20 as in force after the commencement of Schedule 2 to the Necropolis (Amendment) Act 1986;
- (e) to a reserve were a reference to the Necropolis;
- (f) to the care, control and management, or the operation, of a reserve, were a reference to the exercise of functions in relation to the Necropolis under this Act; and
- (g) to subsection (1) of that section were a reference to this Act.

Regulations—delegations by Minister

5. A regulation made for the purposes of section 36 and in force immediately before the commencement of Schedule 2 to the Necropolis (Amendment) Act 1986 shall, on that commencement, be deemed to have been made for the purposes of that section as substituted by that Act.
