

# Rookwood Necropolis Act 1901 No 20 of 1902

[1902-20]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Previously named**  
Necropolis Act 1901
- **Does not include amendments by**  
[Rookwood Necropolis Amendment Act 2004 No 108](#), Sch 1 (not commenced — to commence on 1.4.2005)

### Authorisation

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# Rookwood Necropolis Act 1901 No 20 of 1902



New South Wales

An Act to consolidate the Acts relating to the establishment and regulation of the Necropolis.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the *Rookwood Necropolis Act 1901*.

### 2-5 (Repealed)

### 6 Definitions

(1) In this Act unless the context or subject-matter otherwise indicates or requires:

**general crematorium lease** means a lease referred to in section 8B.

**general crematorium site** means the land described in Schedule 2.

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

**Necropolis** means the lands which have been heretofore and shall be hereafter dedicated as a cemetery for burying the dead at Haslem's Creek and Rookwood.

**quarter** means the period beginning 1 January, 1 April, 1 July or 1 October in each year.

**Regulation** means a regulation made under this Act.

**reserve trust**, in relation to land set aside for use as a cemetery or crematorium under this Act, means the reserve trust that, under section 92 of the *Crown Lands Act 1989*, is constituted and appointed as trustee of that land.

(2) With respect to the general crematorium site, a reference in this Act to the burial or interment of the dead shall, except to the extent that the context or subject-matter otherwise indicates or requires, be construed as including a reference to the cremation of dead bodies and the disposition of the ashes.

(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.

(4) Notes included in this Act do not form part of this Act.

#### **6A Setting aside land for different purposes**

- (1) The Minister may, by notification published in the Gazette, set aside land within the Necropolis for the following purposes:
  - (a) for use as a cemetery,
  - (b) for conservation as a historic site.
- (2) Land that is set aside for use as a cemetery may be set aside generally or for a particular religious denomination.
- (3) The general crematorium site is taken to have been set aside for use as a crematorium.
- (4) In the application of Part 5 of the *Crown Lands Act 1989* to land within the Necropolis, Crown land that is set aside under this section:
  - (a) is taken to be a reserve within the meaning of that Part, and
  - (b) is taken to have been dedicated for a public purpose under section 80 of that Act.
- (5) In the case of Crown land within the general crematorium site, a reserve trust is not to be constituted or appointed under section 92 of the *Crown Lands Act 1989* while a general crematorium lease is in force.
- (6) A reserve trust for land set apart under this Act has the functions conferred on it by or under this Act in addition to the functions conferred or imposed on it under the *Crown Lands Act 1989*.

#### **7-8A (Repealed)**

### **Part 2 Lease of general crematorium site**

#### **8B Lease of general crematorium site**

- (1) On and from the commencement of the *Necropolis (Amendment) Act 1973*:
  - (a) the persons who, immediately before that commencement, held office as trustees of the land described in Part 1 of Schedule 2 shall cease to hold that office,
  - (b) the reversion expectant on lease dated 7th September 1926 and made between the Honourable John Mildred Creed, Alexander Livingstone Kerr, Edward Beeby,

Arthur Ernest Dent and Colin Percy Earle of the one part and The New South Wales Cremation Company Limited of the other part of the land described in Part 1 of Schedule 2 is vested in Her Majesty and, for the purposes of the *Conveyancing Act 1919*, shall be deemed to have been so vested by a conveyance,

- (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.
  - (f) (Repealed)
- (2) The Minister may, whenever the land described in Schedule 2 is not the subject of a lease, grant on behalf of Her Majesty a lease thereof on such terms and conditions as the Minister thinks fit, being terms and conditions that will enable the lessee effectively to use the land for the erection and maintenance of, or for the maintenance of, a crematorium, chapel, columbarium and such other buildings as the lessee considers are necessary for the cremation of bodies of the dead and the care of the ashes of those bodies.
- (3) The Minister may, by a lease granted under subsection (2), confer or impose on the lessee any or all of the functions conferred or imposed on a reserve trust by this Act.

### **8C Extension of general crematorium lease**

- (1) On the commencement of this section:
- (a) any lease of the whole or any part of land described in Part 2 of Schedule 2 and in force immediately before the commencement of this section is determined, and
  - (b) any part of the general crematorium site which is not already vested in the Crown vests in the Crown.
- (2) On and from the commencement of this section, the general crematorium lease shall be deemed to be a lease of the whole of the general crematorium site.
- (3) No compensation is payable to any person or body of persons in connection with the operation of this section.

### **8D Amendment of general crematorium lease**

- (1) On and from the commencement of this section, the general crematorium lease shall (in addition to its other terms and conditions) be deemed to contain the terms and

conditions specified in Schedule 3.

- (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.

### **Part 3 Functions of reserve trusts**

#### **9 (Repealed)**

#### **10 Adjustment of boundaries**

On the application of the reserve trust of any portion of land, the Minister may adjust the boundaries thereof and for that purpose may vest any part of any portion of land in any such reserve trust whether already vested in any other reserve trust or not.

#### **10A Divesting of land with consent of reserve trust**

- (1) With the consent of the reserve trust concerned, the Minister may, by notification published in the Gazette, divest from the reserve trust the whole or any part of a portion of land vested in the reserve trust under this Act.
- (2) On publication of the notification, the land is divested from the reserve trust and may be set apart as provided by this Act.

#### **11 Vesting of lands set apart**

- (1) Every separate portion of land hereafter set apart shall upon the issue of the notification in that behalf in the Gazette vest in the reserve trust of the denomination for which it is set apart or as the case may be in the reserve trust of the general cemetery of the Necropolis.
- (2) On the appointment of a reserve trust of the general crematorium site, that site shall vest in the reserve trust.
- (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 reserve trust of land set apart for that purpose.

#### **12-19 (Repealed)**

### **Part 4 Joint Committee of Necropolis Trustees**

#### **20 Joint Committee of Necropolis Trustees**

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

- (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.
- (5) The Joint Committee shall consist of:
  - (a) a member nominated by each reserve trust and appointed by the Minister, 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, 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) Schedule 4 has effect with respect to the members and the procedure of the Joint Committee.

#### **20A General functions of Joint Committee**

- (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.

#### **20B Contributions to Joint Committee by reserve trust**

- (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.
- (2) If the Minister approves in writing of the amount assessed, the Joint Committee may require each reserve trust 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 reserve trusts 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 reserve trust 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) While there is no reserve trust of the general crematorium site, a reference in this section to a reserve trust includes a reference to a person conducting a crematorium on that site.

### **20C Provision of services by Joint Committee**

- (1) The Joint Committee may enter into any agreement or arrangement with a reserve trust appointed for the purposes of this Act, for the provision of services to or by the reserve trust.
- (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
  - (b) shall not have any connection with or effect on the liability of the reserve trust to make a payment under section 20B.

### **20D Preparation of plans of management by Joint Committee**

- (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) The provisions of Division 6 of Part 5 of the [Crown Lands Act 1989](#) apply to a plan of management under this section in the same way as they apply to a plan of management under that Division.
- (3) Those provisions 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.

### **20E Financial assistance to reserve trust**

- (1) The Joint Committee may give financial assistance to a reserve trust 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.

## **20F Reports to Minister**

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.

## **21-35 (Repealed)**

## **Part 5 Miscellaneous**

### **36 Delegation by Minister**

- (1) The Minister may delegate any of the Minister's functions under this Act (other than this power of delegation) to:
  - (a) a public servant, or
  - (b) a public or local authority, or
  - (c) an employee of a public or local authority, or
  - (d) a statutory officer.
- (2)-(6) (Repealed)

### **37 Regulations**

- (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.
- (2) Without prejudice to the generality of the power conferred by subsection (1) the Governor may make regulations for and with respect to:
  - (a) (Repealed)
  - (b) any of the powers or duties conferred or imposed on the Joint Committee by or under this Act,
  - (b1) the accounts to be kept by reserve trusts under this Act.
  - (c), (d) (Repealed)
- (3), (4) (Repealed)

### **38 Savings and transitional provisions**

Schedule 5 has effect.

## **First Schedule (Repealed)**

## Schedule 2 General crematorium site

(Section 8B)

### Part 1

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 9/10 links from the intersection of the south-eastern side of the reserve carrying pipe for water supply to Northern Suburbs with the eastern side of the railway line to Mortuary Station No 4, such intersection being distant 1,430 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 1/2 links, on the east by a line bearing 188 degrees 56 minutes 50 seconds 492 8/10 links, on the south by a line bearing 278 degrees 56 minutes 50 seconds 860 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.

### Part 2

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

## Schedule 3 Additional terms and conditions of general crematorium lease

(Section 8D)

### 1 Notice of cessation or reduction of operations

- (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.

### 2 Determination of lease for cessation or reduction of activities

- (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 body corporate of the lessee (within the meaning of the [Corporations Act 2001](#) of the Commonwealth),

- (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.

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

### **3 Subleasing**

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.

### **4 Rent**

- (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.

### **5 Calculation of rent—value of land**

- (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.

- (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.

## **6 Statement of imputed revenue**

- (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 must be certified as correct by a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth.
- (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.

## **7 Set off of rent paid in advance**

- (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*.

## **8 Reassessment of rent**

- (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.

- (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.

#### **9 Determination of lease by lessee**

- (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.

#### **10 Determination of lease—compensation**

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 4 Constitution and procedure of Joint Committee**

(Section 20)

#### **1 Definition**

In the Schedule:

***member*** means a member of the Joint Committee.

#### **2 (Repealed)**

#### **3 Acting members**

- (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.

#### **4 Term of office**

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.

## **5 Filling of vacancy in office of member**

- (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 reserve trust 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 the reserve trust.
- (3) If the office of a member nominated by a reserve trust becomes vacant and the reserve trust fails 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.

## **6 Casual vacancies**

- (1) A member shall be deemed to have vacated office if the member:
  - (a) dies,
  - (b) being a member nominated by a reserve trust, 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,
  - (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 mentally incapacitated person,
  - (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, or
  - (h) (Repealed)
  - (i) is removed from office by the Minister under subclause (2).
- (2) The Minister may remove a member from office.

## **7 General procedure at meetings**

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.

## **8 Quorum**

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).

## **9 Presiding member**

- (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.

## **10 Voting**

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.

## **11 Minutes**

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

# **Schedule 5 Savings and transitional provisions**

(Section 38)

## **Part 1 Preliminary**

### **1A Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Cemeteries Legislation Amendment (Unused Burial Rights) Act 2001*

*Rookwood Necropolis Amendment Act 2004*

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:



- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Part 2 Provisions consequent on enactment of *Necropolis (Amendment) Act 1986***

### **1 Former trustees**

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.

### **2 Transfer of assets etc of trustees**

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 3B of that Act.

### **3 Abolition of previous joint committee**

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.

### **4 Transfer of assets etc of Joint Committee**

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,
- (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.

## **5 Regulations—delegations by Minister**

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.

## **Part 3 Provisions consequent on enactment of Rookwood Necropolis Amendment Act 2004**

### **6 Definition**

In this Part, **the 2004 amending Act** means the *Rookwood Necropolis Amendment Act 2004*.

### **7 Continuation of existing dedications**

Land that, immediately before the commencement of section 6A (as inserted by the 2004 amending Act), was dedicated or set apart for any purpose under section 7, 7A, 7B, 8 or 8A, as in force immediately before the repeal of those sections by that Act:

- (a) is taken to be set aside for that purpose under section 6A, and
- (b) is taken to be a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, and
- (c) is taken to have been dedicated for a public purpose under section 80 of the *Crown Lands Act 1989*.

#### **Note—**

Under clause 4 of Schedule 8 to the *Crown Lands Act 1989*, the trustees of any such land are taken to have been constituted as a reserve trust under Part 5 of that Act.

### **8 Application of section 8E**

Section 8E (as inserted by the 2004 amending Act) does not apply to any valuation made by the Valuer-General before the commencement of that section.

### **9 Application of section 20B**

Section 20B (as inserted by the 2004 amending Act) does not apply to any calendar year that commenced before the commencement of that section.

## **10 Exclusive rights of burial**

- (1) Any exclusive rights of burial subsisting under section 24 immediately before its repeal by the 2004 amending Act are taken to be exclusive rights of burial granted under clause 28 of the *Crown Lands (General Reserves) By-law 2001*.
- (2) Any action taken under section 24 in relation to any such exclusive rights of burial is deemed to have been taken under clause 31A of the *Crown Lands (General Reserves) By-law 2001*.
- (3) Any right to which a person was entitled under section 24A immediately before its repeal by the 2004 amending Act is taken to be a right to which the person is entitled under clause 31B of the *Crown Lands (General Reserves) By-law 2001*.

## **11 Construction of certain references**

In any Act or instrument, a reference to the *Necropolis Act 1901* includes a reference to the *Rookwood Necropolis Act 1901*.