

VICTORIA.



ANNO VICESIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8116.

An Act to amend the *Cemeteries Act 1958*.

[27th April, 1971.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. (1) This Act may be cited as the *Cemeteries (Fawkner Crematorium and Memorial Park) Act 1971*.

Principal Act
No. 6217.
Reprinted to
No. 7672 and
subsequently
amended by
No. 7972.

(2) The *Cemeteries Act 1958* is in this Act referred to as the Principal Act.

Amendment of
No. 6217 s. 1.
Division Table.

2. In section 1 of the Principal Act in the portion of the Table relating to Part III., Division 2, for the expression "The New Melbourne Cemetery ss. 86-87A." there shall be substituted the expression "Fawkner Crematorium and Memorial Park ss. 86-87."

Division
substituted.

3. For Division 2 of Part III. of the Principal Act there shall be substituted the following Division:—

'DIVISION 2.—FAWKNER CREMATORIUM AND MEMORIAL PARK.

New Melbourne
Cemetery to
become
Fawkner
Crematorium
and Memorial
Park.

86. (1) On a day to be fixed by the Governor in Council by proclamation published in the *Government Gazette* hereinafter in this Division referred to as "the appointed day"—

(a) the trustees and the managers of the New Melbourne Cemetery shall go out of office ;

(b) the

- (b) the New Melbourne Cemetery shall become and be known as the Fawkner Crematorium and Memorial Park and the site thereof shall, without any further or other authority than this section, be deemed to be Crown land notified by the Governor in Council by notice published in the *Government Gazette* under section 14 of the *Land Act* 1958 to be permanently reserved from sale or from being leased or from having a licence granted in respect thereof as being land required in the opinion of the Governor in Council for a place for the interment of the dead ; and
- (c) trustees appointed by the Governor in Council under section 3 shall take office as the trustees of the Fawkner Crematorium and Memorial Park and thereupon, all property (except the site), rights, duties, functions, and obligations formerly vested in the trustees or the managers of the New Melbourne Cemetery shall vest in the trustees so appointed.

(2) Between the passing of the *Cemeteries (Fawkner Crematorium and Memorial Park) Act* 1971 and the appointed day the trustees and the managers of the New Melbourne Cemetery shall administer the New Melbourne Cemetery and the Coburg Public Cemetery in all respects as if the *Cemeteries (Fawkner Crematorium and Memorial Park) Act* 1971 had not been passed and the trustees shall surrender to the Registrar of Titles all Crown grants, certificates of title, or other documents of title in their possession or under their control with respect to the site of the New Melbourne Cemetery.

(3) The Registrar of Titles is hereby authorized and directed to make all such cancellations of or entries or endorsements on any Crown grant, certificate of title, or other document of title or any duplicate thereof produced to him as are necessary or expedient in consequence of this Act and thereupon the site of the New Melbourne Cemetery shall be deemed to be unalienated Crown land.

87. (1) On the appointed day the trustees of the Fawkner Crematorium and Memorial Park shall without any further authority than this section become and be the trustees of the Coburg Public Cemetery and the property (whether real or personal), rights, duties, functions, and obligations formerly vested in the trustees of the New Melbourne Cemetery as trustees of the Coburg Public Cemetery shall vest in the trustees of the Fawkner Crematorium and Memorial Park.

Trustees so appointed to be also trustees of Coburg Public Cemetery.

(2) The

(2) The duties of the trustees of the Fawkner Crematorium and Memorial Park as the trustees of the Coburg Public Cemetery shall be in addition to and shall not in any way derogate from their duties as trustees of the Fawkner Crematorium and Memorial Park, but the said trustees shall administer both cemeteries as if they were different parts of the Fawkner Crematorium and Memorial Park, and the property, funds, and income of the Fawkner Crematorium and Memorial Park may be expended by the trustees thereof towards the cost of preserving and maintaining the Coburg Public Cemetery.'

Consequential
amendment of
No. 6217 s. 88.

4. In section 88 of the Principal Act for the words "The New Melbourne Cemetery" there shall be substituted the words "Fawkner Crematorium and Memorial Park".