

YORK CEMETERIES.

2^d and 3^d GEO. VI., No. XXXVI.

No. 36 of 1938.

AN ACT to amend section three of the York Cemeteries Act, 1933.

[Assented to 31st January, 1939.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *York Cemeteries Act Amendment Act, 1938*, and shall be read as one with the York Cemeteries Act, 1933 (No. 2 of 1933), hereinafter referred to as the principal Act. Short title.

2. Section three of the principal Act is amended as follows:— Amendment of s. 3.

(a) by deleting therefrom the words "shall be placed under the control of the York Municipal Council" in lines five and six and inserting in lieu thereof the words "may be placed under the control of three persons, being members of the York Municipal Council, and three persons, being members of the York Road Board, and representing respectively the said municipal council and the said road board";

(b) by adding to the section new subsections as follows:—

(2) The members of the York Municipal Council to be appointed trustees as aforesaid shall be determined by a resolution of the said council from time to time, as the occasion shall require, and be nominated by the

council to the Governor for appointment; and the members of the York Road Board to be appointed trustees as aforesaid shall be determined by a resolution of the said road board from time to time, as the occasion shall require, and be nominated by the road board to the Governor for appointment.

(3) Subject to a mutual arrangement being made and in force from time to time between the York Municipal Council and the York Road Board in relation to the financial requirements of the trustees of the said cemetery, the York Municipal Council and the York Road Board respectively may, with the approval of the Governor, from time to time provide out of their revenue or out of moneys borrowed by them respectively for the purpose, and make available to the trustees of the said cemetery such moneys as may be required for the maintenance and improvement of the said cemetery without seeing to or being responsible for the proper application by the said trustees of the moneys so provided.

(4) For the purposes of subsection (3) of this section the maintenance and improvement of the said cemetery shall be a work or undertaking within the meaning both of the provisions of the Municipal Corporations Act, 1906, and of the Road Districts Act, 1919-1934, in respect of which or for the purposes of which the York Municipal Council and the York Road Board can respectively expend their revenue and borrow money, and the provisions of the said two Acts relating to the borrowing of money by a municipal council or by a road board, as the case may be, shall apply in relation to the borrowing by the York Municipal Council or by the York Road Board, as the case may be, of money under the authority of and for the purposes of subsection (3) of this section.