

CEMETERIES.

No. 19 of 1966.

AN ACT to amend the Cemeteries Act, 1897-1964.

[Assented to 17th October, 1966.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.
Reprinted
Vol. 13 Re-
printed Acts.
Approved for
reprint 7th
July, 1958,
amended by
Acts Nos. 15
of 1962 and 50
of 1964.

1. (1) This Act may be cited as the *Cemeteries Act Amendment Act, 1966*.

(2) In this Act the Cemeteries Act, 1897-1964, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Cemeteries Act, 1897-1966.

2. Section four of the principal Act is amended— S. 4
amended.

- (a) by repealing the interpretation, “Minister”; and
- (b) by repealing the interpretation, “Prescribed”.

3. Section twelve of the principal Act is amended— S. 12
amended.

- (a) by adding after the section number “12.” the subsection designation, “(1)”; and
- (b) by adding subsections as follows—

(2) Without prejudice to the generality of subsection (1) of this section, the trustees of a public cemetery may, in particular, provide a lawn or park section in the cemetery by setting apart and laying out a separate portion or portions of the land comprising that cemetery as lawn or lawn interspersed with trees, shrubs or garden plots in such manner as the trustees think fit.

(3) When a portion of the land comprising a public cemetery is set apart and laid out as a lawn or park section pursuant to subsection (2) of this section, a person shall not place therein—

(a) any monument, tombstone or enclosure; or

(b) any nameplate,

that does not comply with the by-laws.

(4) A person shall not bury a dead body or the ashes of a cremated body in any lawn or park section provided under subsection (2) of this section, unless the dead body or ashes are buried in a grave, vault or burial ground comprising a lot or lots therein in respect of which that person is the holder of a grant of an exclusive right of burial that permits him to do so. *vide* S. 18
infra.

(5) In addition to any by-laws that the trustees of a public cemetery may make under section fourteen of this Act, the trustees may, with the approval of the Governor, make by-laws in respect of any lawn or park section that is provided under subsection (2) of this section—

- (a) prescribing the maximum size of monuments, tombstones, enclosures or number plates that may be placed therein;
- (b) prescribing the fees for the grant of an exclusive right of burial in a grave, vault or burial ground comprising a lot or lots therein, and providing for the maintenance of the lot or lots;
- (c) providing for the purchase by instalments of a grant of an exclusive right of burial in a grave, vault or burial ground comprising a lot or lots therein prior to the burial of a dead body or the ashes of a cremated body therein;
- (d) requiring an applicant for a grant of an exclusive right of burial who applies to the trustees to pay for the grant by instalments, to enter into a written agreement setting out the terms and conditions upon which the grant is made, undertaking the maintenance of the plot to which the grant relates for a specified term of years or in perpetuity, and requiring the applicant to provide such security for the due payment of the amount of those instalments in the event of the death of the applicant, as the trustees may require. .