

CEMETERIES.

13° Elizabeth II., No. L.

 No. 50 of 1964.

AN ACT to amend the Cemeteries Act, 1897-1962.

[Assented to 30th November, 1964.]

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:—

1. (1) This Act may be cited as the *Cemeteries Act Amendment Act, 1964.*

Short title
and citation.

(2) In this Act the Cemeteries Act, 1897-1962, is referred to as the principal Act.

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Approved
for reprint
7th July,
1958.
Amended by
Act No. 15
of 1962.

(3) The principal Act as amended by this Act may be cited as the Cemeteries Act, 1897-1964.

S. 10
repealed and
re-enacted.

2. Section ten of the principal Act is repealed and re-enacted with amendments, as follows—

Appointment
or removal of,
and vesting
of land in,
trustees.

10. (1) The Governor may appoint the council of a municipality constituted under the Local Government Act, 1960, to be the sole trustee, or appoint any three or more persons to be the trustees, of any public cemetery and may remove any trustee.

(2) The appointment, or removal, of a trustee or trustees shall be notified in the *Government Gazette*.

(3) Where three or more persons are appointed trustees, any number of them that is in excess of half their number shall constitute a quorum for the despatch of business.

(4) The Governor may, by deed of grant or Crown grant, as the case may require, vest land in the trustee or trustees, in its or their corporate name, assigned pursuant to section ten A of this Act, for the purpose of a public cemetery.

S. 39
amended.

3. Section thirty-nine of the principal Act is amended by adding, after subsection (2), the following subsections—

(3) Where a person is not buried within a reasonable period after his death and the circumstances are not such as would warrant the making of an order and the burial of the deceased person under the preceding provisions of this section, the council of the municipal district within which the dead body is to be found may cause it to be buried, by advancing all reasonable expenses of the burial (not limited to fees payable under this Act) and may, thereupon, recover those expenses, in any court of competent jurisdiction, from the person upon whom the duty touching the burial is imposed by law.

(4) The exercise by a council of the powers conferred on it by subsection (3) of this section does not excuse a person for the neglect to perform any duty imposed upon him by law, or undertaken by him, touching the burial of the dead body.

See S. 214
The Criminal
Code.
