

CREMATION.

26° GEO. V., No. VIII.

No. 8 of 1935.

AN ACT to amend Section four of the Cremation Act, 1929, and to make provision in the said Act for the disposal of the ashes of dead human bodies after cremation and for other relative purposes.

[Assented to 5th October, 1935.]

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 *Cremation Act Amendment Act, 1935*, and shall be read as one with the Cremation Act, 1929 (No. 22 of 1929), hereinafter referred to as the principal Act. Short title.

2. Section four of the principal Act is amended by deleting subsection (1) and inserting in lieu thereof a subsection, as follows:— Amendment of s. 4.

(1.) The Governor may, subject to this Act, grant a license to use and conduct a specified crematorium to any of the following bodies, namely:—

(a) the trustees or controlling authority of any cemetery;

(b) any association incorporated under the Associations Incorporation Act, 1895, established and consti-

tuted in connection with the cremation of dead human bodies, and holding a certificate under the hand of the Commissioner that such association is an association to which the provisions of this section may reasonably be extended.

New sections.

3. Sections are inserted in the principal Act, after section four, as follows:—

Portion of a cemetery may be set aside as a site for a crematorium.

4A. (1) It shall be lawful for the trustees or controlling authority of any cemetery holding a license under section four of this Act to define and set aside any portion of such cemetery as a site for a crematorium.

(2.) Where any portion of a cemetery has been defined and set aside as aforesaid, then, notwithstanding any Act or law to the contrary, the following provisions shall apply—

(a) the portion of the cemetery so defined and set aside may be used only for the erection of a crematorium thereon, and for the burial of the ashes of dead human bodies cremated in such crematorium, and the trustees or controlling authority may prohibit the burial in such portion of the cemetery aforesaid of any dead human bodies which have not been so cremated;

(b) the trustees or controlling authority of the cemetery, instead of themselves using and conducting a crematorium in such portion of the cemetery, may grant a permit for such period, and upon and subject to such conditions as they may think fit, to any association holding a license under section four of this Act, to erect a crematorium upon the portion of the cemetery aforesaid, and to use and conduct such crematorium thereon, and to use such portion of the cemetery for the burial of the ashes of dead human bodies which have been cremated in such crematorium.

(3) Where the trustees or controlling authority of a cemetery have granted to an association a permit as provided for in subsection (2) of this section, such association shall, during the continuance of such permit, be deemed to be a trustee of that portion of the cemetery to which such permit applies, and, in relation thereto, to have all the rights, powers, and authorities of the trustees of a cemetery

in accordance with the laws for the time being in force and relating to public cemeteries, and the portion of the cemetery to which such permit applies shall to all intents and purposes be deemed to be a public cemetery, save and except that only the ashes of dead human bodies after cremation shall be buried therein, unless the association otherwise determines.

4B. Where an association holding a license under section four of this Act is using and conducting a crematorium on land held by such association for the purpose, and which is not part of a public cemetery, it shall be lawful for the association to use such portions of the said land as it thinks fit for the burial of the ashes of dead human bodies after cremation, and, in relation to such land, the association shall have all the rights, powers, and authorities of the trustees of a public cemetery in accordance with the laws for the time being in force and relating to public cemeteries, and the said land shall to all intents and purposes be deemed to be a public cemetery, save and except that only the ashes of dead human bodies after cremation shall be buried therein, unless the association otherwise determines.

Site of a crematorium which is not included in a cemetery shall be deemed to be a cemetery for certain purposes.

4C. (1.) Where any dead human body has been cremated in a crematorium, and the administrator who obtained the permit required by this Act for the cremation of such body desires to dispose of the ashes of such body after cremation otherwise than by burial upon the site of the crematorium, it shall be lawful for the trustees or controlling authority of the cemetery, or the association in whose crematorium the body was cremated, with the approval of the Commissioner, to deliver the said ashes to the said administrator for removal from the crematorium.

Disposal of ashes otherwise than by burial on a site of a crematorium.

(2.) Subject to subsection (1) of this section, the ashes of a dead human body after cremation shall not be removed from the crematorium in which such body was cremated, except for the purpose of burial in the site of the crematorium.

4. The principal Act as amended by this Act may be cited as the Cremation Act, 1929-1935.

Citation of principal Act as amended.