



ANNO TRICESIMO SEXTO

# ELIZABETHAE II REGINAE

A.D. 1987

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No. 8 of 1987

An Act to amend the Enfield General Cemetery Act, 1944.

[Assented to 9 April 1987]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the “Enfield General Cemetery Act Amendment Act, 1987”. Short title.
- (2) The Enfield General Cemetery Act, 1944, is in this Act referred to as “the principal Act”.
2. This Act will come into operation on a day to be fixed by proclamation. Commencement.
3. The long title to the principal Act is amended by inserting “to establish or acquire cemeteries in other areas,” after “Enfield,”. Amendment of long title.
4. Section 2 of the principal Act is amended by striking out “Establishment and management of the cemetery” and substituting “Establishment, acquisition and administration of cemeteries”. Amendment of s. 2—  
Arrangement of Act.
5. Section 3 of the principal Act is amended by striking out the definition of “the cemetery”. Amendment of s. 3—  
Interpretation.
6. Section 5 of the principal Act is amended—
  - (a) by striking out from paragraph (d) of subsection (1) “the Church of England” and substituting “the Anglican Church of Australia”;
  - and
  - (b) by striking out from paragraph (a) of subsection (3) “the Church of England in Australia” and substituting “the Anglican Church of Australia”.Amendment of s. 5—  
Membership of trust.
7. Section 14 of the principal Act is amended by striking out from subsection (2) “the cemetery” and substituting “this Act”. Amendment of s. 14—  
Ancillary powers of trust.

Repeal of heading to Part III and substitution of new heading.

8. The heading to Part III of the principal Act is repealed and the following heading is substituted:

**ESTABLISHMENT, ACQUISITION AND ADMINISTRATION OF CEMETERIES.**

Repeal of ss. 20 to 23 and substitution of new ss. 20 and 21.

9. Sections 20, 21, 22, 22a and 23 are repealed and the following sections are substituted:

Functions of the trust.

20. (1) The trust will administer and maintain The Enfield General Cemetery as a public cemetery.

(2) The trust may, subject to the written approval of the Minister, establish, acquire or dispose of any other cemetery.

(3) Subject to its right to dispose of a cemetery in accordance with this section, the trust will administer and maintain cemeteries established or acquired by it as public cemeteries.

Non-application of s. 586 of the Local Government Act, 1934.

21. The provisions of section 586 of the Local Government Act, 1934, do not apply to The Enfield General Cemetery or to a cemetery established or acquired by the trust.

Amendment of s. 24a—  
Trust may borrow money for erection of crematorium, etc.

10. Section 24a of the principal Act is amended by striking out “the cemetery” and substituting “a cemetery”.

Amendment of s. 26—  
Reserve fund and other investments.

11. Section 26 of the principal Act is amended by striking out from subsection (1) “the cemetery” and substituting “one or more of its cemeteries”.

Amendment of s. 32—  
Administration of a cemetery.

12. Section 32 of the principal Act is amended—

(a) by striking out subsection (1);

(b) by striking out “the cemetery” first occurring in subsection (2) and substituting “a cemetery”;

and

(c) by striking out “the cemetery” from subsection (3) and substituting “a cemetery”.

Amendment of s. 33—  
Power to set apart portion of cemetery for religious denominations and deceased members of the armed forces.

13. Section 33 of the principal Act is amended—

(a) by striking out from subsection (1) “the cemetery”, first occurring, and substituting “each of its cemeteries”;

(b) by striking out from subsection (1) “the cemetery”, second occurring, and substituting “a cemetery”;

(c) by striking out from subsection (1) “the cemetery”, third occurring, and substituting “that cemetery”;

(d) by striking out from subsection (2) “the cemetery” and substituting “each of its cemeteries”;

and

(e) by striking out from subsection (3) “the cemetery” and substituting “a cemetery”.

Amendment of s. 34—  
Ministers to have free access.

14. Section 34 of the principal Act is amended by striking out “the cemetery” first occurring and substituting “a cemetery”.

15. Section 35 of the principal Act is amended by striking out “the cemetery” first occurring and substituting “a cemetery”.
- Amendment of s. 35—  
Erection of mortuary chapels by religious denominations.
16. Section 37 of the principal Act is amended by striking out from subsection (1) “the cemetery” and substituting “a cemetery”.
- Amendment of s. 37—  
Power to grant burial rights.
17. Section 38 of the principal Act is amended—
- (a) by striking out from subsection (1) “the cemetery” and substituting “a cemetery”;
- and
- (b) by striking out from subsection (2) “to different parts of the cemetery” and substituting “to different cemeteries and to different parts of the same cemetery”.
- Amendment of s. 38—  
Power to publish scale of fees.
18. Section 39 of the principal Act is amended by striking out “the cemetery” and substituting “its cemeteries”.
- Amendment of s. 39—  
General power of maintenance, etc.
19. Section 40 of the principal Act is amended—
- (a) by striking out from subsection (1) “the cemetery” and substituting “each of its cemeteries”;
- and
- (b) by striking out from subsection (2) “The plan” and substituting “Each plan”.
- Amendment of s. 40  
Plan of trusts cemeteries.
20. Section 41 of the principal Act is amended—
- (a) by striking out from subsection (1) “the cemetery” and substituting “a cemetery”;
- and
- (b) by inserting in subsection (1) “in respect of that cemetery” after “40”.
- Amendment of s. 41—  
Register of burials.
21. Section 42 of the principal Act is amended by striking out from subsection (1) “the cemetery” and substituting “a cemetery”.
- Amendment of s. 42—  
Register of cremations.
22. Section 43 of the principal Act is amended by striking out from subsection (1) “the cemetery” wherever it occurs and substituting, in each case, “a cemetery”.
- Amendment of s. 43—  
Regulations.
23. Section 44 of the principal Act is amended by striking out from subsection (2) “the cemetery” twice occurring and substituting, in each case, “The Enfield General Cemetery”.
- Amendment of s. 44—  
Liability of trust for local government rates, etc.
24. The first, second and third schedules of the principal Act are repealed.
- Repeal of first, second and third schedules.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor