

WOLLONGONG CHURCH OF ENGLAND CEMETERY ACT.

Act No. 29, 1940.

An Act to divest certain land at Wollongong from certain persons and to dedicate such land as a public park; to make provision for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on such trustees; and for purposes connected therewith.
[Assented to, 7th November, 1940.]

**George VI.
No. 29, 1940.**

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Wollongong Church of England Cemetery Act, 1940." Short title.

2. (1) The land described in the Schedule to this Act is hereby dedicated as a public park, to be known as "Pioneers' Rest Park, Wollongong," and the said land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912, and the council of the Municipality of Wollongong shall be the trustees of the said land for all purposes of that Act and shall be deemed to have been appointed pursuant to that Act to be the trustees of the said land.

(2)

No. 29, 1940.

(2) Any estate or interest in the land described in the Schedule to this Act which, immediately before the commencement of this Act, was vested in or held by the Church of England Property Trust, Diocese of Sydney, or any other person, is hereby divested, and the said Trust and all such persons are hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the said land.

(3) Any trusts, conditions, encumbrances, or dedications affecting the said land immediately before the commencement of this Act are hereby revoked and annulled.

(4) The said council shall, as soon as practicable after the commencement of this Act,—

(a) compile a register of the names of and other relevant information in respect of persons buried in the said land, so far as such names and information can be obtained; and deposit and maintain such register at the Wollongong Town Hall so as to be available for inspection by the public from time to time;

(b) remove the tombstones from their present positions and lay them flat on the surface of the respective graves;

(c) cover the said land and the tombstones with filling up to the level of the adjoining footpaths;

(d) lay out and maintain upon the said land gardens, lawns or grass plots and otherwise improve the said land for the purpose of a park by drainage, fencing, lighting, and construction of paths; and

(e) erect a monument in a suitable position on the said land bearing an inscription recording the fact that pioneers of the district lie buried in the area.

(5) The said council may do such other things as it considers necessary to effect the conversion of the said land into a rest park.

(6)

(6) No compensation shall be payable to any person in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act.

SCHEDULE.

Sec. 2 (1).

ALL that piece or parcel of land containing an area of 2 acres or thereabouts situate in the Municipality of Wollongong, Town of Wollongong and State of New South Wales, commencing at the intersection of the eastern side of Kembla-street with the northern side of Bank-street; and bounded thence on the west by Kembla-street aforesaid bearing northerly 4 chains, on the north by the southern boundary of allotment 4, section 18, bearing easterly 5 chains, on the east by the western boundaries of allotments 12, 11, 10 and 9, section 18, bearing southerly 4 chains to Bank-street, aforesaid, and thence on the south by that street bearing westerly to the point of commencement.
