

**CAMPERDOWN CEMETERY (AMENDMENT)
ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 22, 1977.

An Act to amend the Camperdown Cemetery Act, 1948, for the purpose of dissolving the Camperdown Memorial Rest Park Trust and constituting the council of the local government area within which the Camperdown Memorial Rest Park is situated as sole trustee of that park, and for certain other purposes. [Assented to, 31st March, 1977.]

BE

Camperdown Cemetery (Amendment).

BE it enacted by the Queen'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:—

Short title. **1.** This Act may be cited as the "Camperdown Cemetery (Amendment) Act, 1977".

Schedules. **2.** This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE CAMPERDOWN
CEMETERY ACT, 1948.

SCHEDULE 2.—TRANSITIONAL PROVISIONS.

**Amendment
of Act No.
14, 1948.** **3.** The Camperdown Cemetery Act, 1948, is amended in the manner set forth in Schedule 1.

**Transitional
provisions.** **4.** Schedule 2 has effect.

SCHEDULE

Camperdown Cemetery (Amendment).

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE CAMPERDOWN CEMETERY
ACT, 1948.

(1) Section 2 (3)—

After section 2 (2), insert :—

(3) On and from the commencement of the Camperdown Cemetery (Amendment) Act, 1977, a reference in this Act to the Trust shall be construed as a reference to the council of the local government area within which the Camperdown Memorial Rest Park is for the time being situated.

(2) Section 4A—

Omit the section, insert instead :—

4A. The Camperdown Memorial Rest Park Trust ^{Trustee of} is dissolved and the council of the local government ^{the Park.} area within which the Camperdown Memorial Rest Park is for the time being situated shall be the sole trustee of that park.

(3) Section 4B—

Omit "by the Trust", insert instead "under section 4C".

(4) (a) Section 4c—

Omit "Trust" wherever occurring, insert instead "Governor".

(b) Section 4c (1) (a)—

Omit the paragraph.

SCHEDULE

Camperdown Cemetery (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CAMPERDOWN CEMETERY
ACT, 1948—*continued.*

(c) Section 4C (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(5) Section 4E (1)—

Omit “by the Trust”, insert instead “under section 4C”.

(6) Section 4F—

Omit the section.

Sec. 4.

SCHEDULE 2.

TRANSITIONAL PROVISIONS.

**Interpre-
tation.**

1. In this Schedule—

“council” means the council of the local government area (within the meaning of the Local Government Act, 1919) within which the park is, at the commencement of this Act, situated;

“park” means the land described in the First Schedule to the Camperdown Cemetery Act, 1948;

“prior time” means the time immediately before the commencement of this Act;

SCHEDULE

Camperdown Cemetery (Amendment).

SCHEDULE 2—*continued.*

TRANSITIONAL PROVISIONS—*continued.*

“Trust” means the body corporate referred to in section 4A (5) of the Camperdown Cemetery Act, 1948, as in force before the commencement of this Act.

2. On and from the day on which this Act commences—
- (a) the property of the Trust relating to the care, control and management of the park, including all money, books of account, registers, records and all documents and things relating to, or connected with, the operation of the park, shall become the property of the council;
 - (b) all money and liquidated and unliquidated claims that, at the prior time, were payable to or recoverable by the Trust in connection with the care, control and management of the park shall be money and liquidated and unliquidated claims payable to or recoverable by the council;
 - (c) all proceedings in connection with the care, control and management of the park commenced before that day and pending immediately before that day shall be deemed to be proceedings commenced by the council and all proceedings so commenced by any person against the Trust and pending immediately before that day shall be deemed to be proceedings commenced by that person against the council;
 - (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Trust in connection with the care, control and management of the park and in force at the prior time shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the council;
 - (e) the council may, in connection with the care, control and management of the park, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this clause and for the prosecution of proceedings so referred to as the Trust might have done but for the enactment of this Act;
 - (f) the council may enforce and realise any security or charge existing at the prior time in favour of the Trust in connection with the care, control and management of the park, and may

Transfer
of assets,
liabilities,
etc., of the
Trust.

SCHEDULE

Camperdown Cemetery (Amendment).

SCHEDULE 2—*continued.*TRANSITIONAL PROVISIONS—*continued.*

exercise any powers thereby conferred on the Trust as if the security or charge were a security or charge in favour of the council;

- (g) all debts, money and claims, liquidated and unliquidated, that, at the prior time, were due or payable by, or recoverable against, the Trust in connection with the care, control and management of the park shall be debts due, money payable by and claims recoverable against, the council;
 - (h) all liquidated and unliquidated claims in connection with the care, control and management of the park for which the Trust would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the council shall be liable; and
 - (i) all acts, matters and things done or omitted by, or done or suffered in relation to, the Trust, being acts, matters and things not referred to in the foregoing provisions of this clause, shall have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the council.
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