



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 25 of 1972

An Act to amend the Enfield General Cemetery Act,
1944-1966

[Assented to 6th April, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Enfield General Cemetery Act Amendment Act, 1972".

(2) The Enfield General Cemetery Act, 1944-1966, as amended by this Act, may be cited as the "Enfield General Cemetery Act, 1944-1972".

(3) The Enfield General Cemetery Act, 1944-1966, is hereinafter referred to as "the principal Act".

**Commence-
ment.**

2. This Act shall come into operation on a day to be fixed by proclamation.

**Amendment of
principal Act,
s. 5—
Membership
of trust.**

3. Section 5 of the principal Act is amended—

(a) by striking out the word "The" being the first word in that section and inserting in lieu thereof the following passage:—

"(1) Subject to subsection (2) of this section, the";

(b) by inserting at the end thereof the following subsections:—

(2) Notwithstanding any other provision of this Act, on the appointed day the members appointed and

holding office as such pursuant to paragraphs (d), (e) and (f) of subsection (1) of this section shall retire from office as members and their offices shall be abolished, and, on and after the appointed day, the trust shall consist of—

- (a) the chairman appointed pursuant to paragraph (a) of subsection (1) of this section;
- (b) the member appointed pursuant to paragraph (b) of subsection (1) of this section;
- (c) the two members appointed pursuant to paragraph (c) of subsection (1) of this section;
- (d) two members appointed by the Governor, one of whom shall be nominated by the Treasurer and the other nominated by the Minister;

and

- (e) one member appointed by the Governor in accordance with subsection (3) of this section who will represent the religious denominations in South Australia.

(3) The member referred to in paragraph (e) of subsection (2) of this section shall be appointed in accordance with the following provisions:—

- (a) the member to be first appointed pursuant to that paragraph or to be appointed to succeed a member appointed under paragraph (c) of this subsection at the end of his term of office shall be appointed upon the nomination of the person for the time being administering the Diocese of Adelaide of the Church of England in Australia;
- (b) the member to be appointed to succeed a member appointed under paragraph (a) of this subsection at the end of his term of office shall be appointed upon the nomination of the person for the time being administering the Archdiocese of Adelaide of the Roman Catholic Church;

and

(c) the member to be appointed to succeed a member appointed under paragraph (b) of this subsection at the end of his term of office shall be appointed upon the nomination of the Minister and shall be a person who, in the opinion of the Minister, is representative of other religious denominations in South Australia.

(4) In this section—

“the appointed day” means the day which shall be fixed by proclamation as the appointed day for the purposes of this section.

Amendment of
principal Act,
s. 6—
Term of Office.

4. Section 6 of the principal Act is amended—

(a) by striking out subsection (1);

and

(b) by striking out from subsection (2) the word “other”.

Amendment of
principal Act,
s. 10—
Casual
vacancies.

5. Section 10 of the principal Act is amended by striking out from paragraph (a) the passage “twenty shillings in the pound” and inserting in lieu thereof the passage “one hundred cents in the dollar”.

Amendment of
principal Act,
s. 14—
Ancillary
powers of
trust.

6. Section 14 of the principal Act is amended by striking out from subsection (1a) the passage “the Act” and inserting in lieu thereof the passage “this Act”.

Enactment of
s. 16a of
principal Act—

7. The following section is enacted and inserted in the principal Act immediately after section 16 thereof:—

Trust to be
under
Ministerial
control.

16a. The trust shall be subject to the control and directions of the Minister who may give any direction to the trust by communicating the same, orally or in writing, to the chairman, the secretary or some other responsible officer of the trust.

Amendment of
principal Act,
s. 22—
Provision as to
balance of land
transferred.

8. Section 22 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The proceeds of the sale of the land or any portion of such proceeds shall be applied in such manner as the Minister may, from time to time, by writing addressed to the trust, direct.

9. Section 22a of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 22a—
Power to sell
land not used
for burial
purposes.

(2) The proceeds of every sale under this section or any portion of such proceeds shall be applied in such manner as the Minister may, from time to time, by writing addressed to the trust, direct.

10. Section 23 of the principal Act is amended—

Amendment of
principal Act,
s. 23—
Advance to
trust.

(a) by striking out from subsection (2) the passage “the manner provided by the fourth schedule” and inserting in lieu thereof the passage “such manner as the Minister may on the recommendation of the Treasurer, from time to time, by writing addressed to the trust, direct”;

(b) by striking out from subsection (3) the passage “the manner provided by the fourth schedule” and inserting in lieu thereof the passage “such manner as the Minister may on the recommendation of the Treasurer, from time to time, by writing addressed to the trust, direct”;

and

(c) by inserting after subsection (3) the following subsections:—

(4) The Minister may, upon such terms and conditions as he thinks fit, from time to time extend the time for payment of any amount the trust is liable to pay to the Minister under this Act.

(5) Any interest payable by the trust to the Minister shall, if the Minister so directs, and from such date as may from time to time be fixed by the Minister, be capitalized and added to the amount advanced to the trust.

(6) The trust may at any time pay off the whole or any part of the amount owing by the trust to the Minister.

11. Section 24 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 24 of
principal Act
and enactment
of section in
its place—

24. (1) The trust may borrow from any bank by way of overdraft any moneys for the purposes of carrying out its duties and functions under this Act or of conducting the affairs of the trust.

Power of trust
to borrow on
overdraft.

(2) The Treasurer may, upon such terms and conditions as he thinks fit, guarantee the repayment of any moneys borrowed by the trust under this section.

Repeal of s. 25
of principal
Act and enact-
ment of new
section in its
place—
Application of
revenue.

12. Section 25 of the principal Act is repealed and the following section is enacted and inserted in its place:—

25. The trust shall apply its revenue in such manner as the Minister approves.

Amendment of
principal Act,
s. 26—
Reserve fund.

13. Section 26 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “, after providing for the matters referred to in section 25,”; and

(b) by striking out from subsection (1) the passage “trust thinks fit to form” and inserting in lieu thereof the passage “Minister may approve as a reserve fund or a contribution towards”.

Amendment of
principal Act,
s. 27—
Books and
accounts.

14. Section 27 of the principal Act is amended by striking out from subsection (1a) the passage “Fifty pounds” and inserting in lieu thereof the passage “One hundred dollars”.

Amendment of
principal Act,
s. 39—
General power
of main-
tenance, etc.

15. Section 39 of the principal Act is amended by inserting after the passage “this Act” the passage “or with any direction of the Minister”.

Amendment of
principal Act,
s. 43—
Regulations.

16. Section 43 of the principal Act is amended by striking out from paragraph VIII of subsection (1) the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of
principal Act,
s. 44—
Liability of
trust for Local
Government
rates, etc.

17. Section 44 of the principal Act is amended by striking out from subsection (2) the passage “the Corporation of the Town of Enfield” and inserting in lieu thereof the passage “The Corporation of the City of Enfield”.

Repeal of
fourth
schedule to
principal Act.

18. The fourth schedule to the principal Act is repealed.

Amendment of
principal Act—
Fifth schedule.

19. The fifth schedule to the principal Act is amended by striking out the items designated (a), (b), (c), (d) and (e) and inserting in their place the following items:—

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- (a) During each financial year up to and including the financial year commencing on 1st July, 1979—\$150.
- (b) During each subsequent financial year—\$200.

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

M. L. OLIPHANT, Governor