

SOUTH AUSTRALIA

ENFIELD GENERAL CEMETERY ACT 1944

This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 July 1999.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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ENFIELD GENERAL CEMETERY ACT 1944

being

Enfield General Cemetery Act 1944 No. 35 of 1944
[Assented to 14 December 1944]

as amended by

Enfield General Cemetery Act Amendment Act 1949 No. 17 of 1949 [Assented to 27 October 1949]
Enfield General Cemetery (Exchange of Land) Act 1952 No. 46 of 1952 [Assented to 4 December 1952]
Enfield General Cemetery Act Amendment Act 1956 No. 12 of 1956 [Assented to 1 November 1956]
Enfield General Cemetery Act Amendment Act 1960 No. 33 of 1960 [Assented to 3 November 1960]
Enfield General Cemetery Act Amendment Act 1966 No. 63 of 1966 [Assented to 17 November 1966]
Enfield General Cemetery Act Amendment Act 1972 No. 25 of 1972 [Assented to 6 April 1972]¹
Enfield General Cemetery Act Amendment Act 1983 No. 75 of 1983 [Assented to 10 November 1983]
Enfield General Cemetery Act Amendment Act 1987 No. 8 of 1987 [Assented to 9 April 1987]²
Enfield General Cemetery (Administration of West Terrace Cemetery) Amendment Act 1997 No. 63 of 1997 [Assented to 7 August 1997]³
Financial Sector Reform (South Australia) Act 1999 No. 33 of 1999 [Assented to 17 June 1999]⁴

¹ Came into operation 18 May 1972: *Gaz.* 11 May 1972, p. 1759.

² Came into operation 14 May 1987: *Gaz.* 14 May 1987, p. 1248.

³ Came into operation 28 August 1997: *Gaz.* 28 August 1997, p. 456.

⁴ **Schedule (item 19) came into operation 1 July 1999: being the date specified under section 3(16) of the *Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999* of the Commonwealth as the transfer date for the purposes of that Act.**

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix.

An Act to establish a public cemetery at Enfield, to establish or acquire cemeteries in other areas, and for incidental purposes.

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Enfield General Cemetery Act 1944*.

Arrangement of Act

2. The provisions of this Act are arranged as follows:—

PART 1—Preliminary.

PART 2—Constitution and general powers of the trust.

PART 3—Establishment, acquisition and administration of cemeteries.

PART 4—Miscellaneous.

Interpretation

3. In this Act, unless the context otherwise requires—

"**chairperson**" means the chairperson of the trust;

"**extraordinary vacancy**" means a vacancy in an office arising otherwise than by effluxion of time;

"**financial year**" means the period of twelve months ending on the thirtieth day of June;

"**member**" means member of the trust, and includes the chairperson;

"**Minister**" means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor;

"**secretary**" means the secretary of the trust;

"**trust**" means The Enfield General Cemetery Trust;

"**West Terrace Cemetery**" means the Cemetery within the meaning of the *West Terrace Cemetery Act 1976*.

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**PART 2
CONSTITUTION AND GENERAL POWERS OF THE TRUST**

Constitution of trust

4. (1) A trust to be called "The Enfield General Cemetery Trust" is hereby constituted.

(2) The trust shall be a body corporate, and shall have perpetual succession and a common seal.

(3) All courts, judges, and persons acting judicially shall take judicial notice of the seal of the trust when affixed to any instrument and shall, in the absence of proof to the contrary, presume that the same was properly affixed thereto.

Membership of trust

5. (1) The trust consists of ten members appointed by the Governor as follows:

(a) five members appointed on the nomination of the Minister (one of whom is to be a person with extensive knowledge of the historical significance of cemeteries);

(b) two members appointed on the nomination of the Treasurer;

(c) two members appointed on the nomination of the City of Port Adelaide Enfield;

(d) one member representing religious denominations appointed on the nomination in turn of—

(i) the person for the time being administering the Diocese of Adelaide of the Anglican Church of Australia;

(ii) the person for the time being administering the Archdiocese of Adelaide of the Roman Catholic Church;

(iii) the Minister,

so that, at the completion of a term of office of four years, a member nominated under subparagraph (i) is succeeded by a member nominated under subparagraph (ii), a member nominated under subparagraph (ii) is succeeded by a member nominated under subparagraph (iii), a member nominated under subparagraph (iii) is succeeded by a member nominated under subparagraph (i), and so on.

(2) The person nominated by the Minister under subsection (1)(d)(iii) must be a person who, in the opinion of the Minister, is representative of religious denominations in the State other than the Anglican Church of Australia and the Roman Catholic Church.

(3) The Minister is to designate one of the persons nominated by the Minister as the chairperson.

Term of office

6. (1) * * * * *

(2) All members shall, subject to this Act, hold office for four years.

(3) A member appointed to fill an extraordinary vacancy shall, subject to this Act, hold office only for the unexpired portion of the term of the member in whose place he is appointed.

(4) Any retiring member shall hold office until his successor is appointed.

(5) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for reappointment if otherwise eligible under this Act.

Vacation of office of member nominated on basis of council membership

6A. If—

(a) a person appointed as a member of the trust on the nomination of the council under this Act was, at the time of nomination, a member of the council; and

(b) the member ceases to be a member of the council,

the person's office as a member of the trust becomes vacant.

Power of Minister in case of default in nomination

7. (1) In any case where there has, in the opinion of the Minister, been unreasonable delay in the nomination of a member by any person entitled to nominate a member, the Minister may, on behalf of that person, nominate a member for appointment by the Governor.

(2) The member so appointed shall be deemed to have been duly nominated by that person.

(3) The Minister shall give notice of the appointment in the *Government Gazette*, stating on whose behalf the member was nominated, and the notice in the *Government Gazette* of the appointment shall be conclusive evidence of the appointment and that the same was duly made.

Method of filling up vacancies

8. When any vacancy occurs on the trust, whether by expiration of a member's term of office or otherwise, it shall be filled up in manner provided by this Act by appointment on nomination by the person who nominated the member whose place it is desired to fill.

Disqualification of member

9. No person shall be appointed a member or continue to be a member who—

(a) holds any office or place of profit in the gift or disposal of the trust;

(b) by himself, his partner, or otherwise, has any interest in any contract (except for advertisements or printing) with or employment under the trust: Provided that no person shall be disqualified from being a member of the trust by being a member or shareholder of or in any company incorporated under any Act or registered under any Act for registering joint stock companies and limiting the liabilities of the members thereof and consisting of twenty or more members or shareholders, by reason of any contract entered into by the company with the trust; but no such member interested by himself, his partner, or otherwise, in any contract with the trust, or being a member or shareholder of or in any such company, shall vote at any meeting of the trust on any question relating to any contract in which such person or company is interested;

(c) is an undischarged bankrupt.

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Casual vacancies

10. In addition to the retirement of members by the expiration of their terms of office, the office of a member shall be vacated on—

- (a) the death, lunacy, or bankruptcy of the member, or the execution by the member of a statutory deed of assignment for the benefit of his creditors, or his compounding with his creditors for less than one hundred cents in the dollar, or the conviction of the member of an indictable offence; or
- (b) the absence of the member from three consecutive ordinary meetings of the trust, without leave of the trust, followed by a resolution of the trust declaring the office vacant (which resolution the trust may pass if it thinks fit but shall not pass at any time later than six weeks after the last of the three consecutive meetings); or
- (c) the absence of the member from the State for three consecutive months without leave of the trust; or
- (d) disqualification of the member as hereinbefore in this Act provided; or
- (e) the resignation of the member by notice in writing, posted or delivered to the Minister; or
- (f) the judgment or order of any competent court declaring the office of the member vacant.

Chairperson

11. (1) The chairperson, when present, shall preside at all meetings of the trust. In the absence of the chairperson from any meeting, another member, chosen for the purpose by the majority of the members present and voting, shall preside.

(2) The person presiding for the time being shall have a casting vote as well as a deliberative vote.

Quorum

12. Six members present at a meeting shall constitute a quorum of the trust.

Defects in appointment not to invalidate proceedings of trust

13. (1) No act or proceeding of the trust shall be invalid or illegal in consequence only of the number of the members of the trust not being complete at the time of the act or proceeding.

(2) All acts and proceedings of the trust shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if the member had been duly appointed and was qualified and entitled to act and had acted as a member of the trust, and as if the trust had been properly and fully constituted.

Ancillary powers of trust

14. (1) The trust may—

- (a) in its corporate name purchase, take, receive, accept, hold, acquire, and possess lands, tenements, and hereditaments in fee simple, or for any less estate or for any term of years or otherwise, and goods and chattels, and may grant, sell, convey, transfer, demise, assign, or otherwise dispose of the same; and
- (b) in its corporate name arbitrate or sue, implead, and answer and be sued, impleaded, and answered in all courts and before all judges, magistrates, justices, and arbitrators whomsoever, in all actions, pleas, suits, disputes, causes, and matters whatsoever; and
- (c) do and exercise all such further acts and powers as it is by this Act authorised to do and exercise, or as may be necessary for the doing or exercising of any of such acts or powers.

(1a) The trust may delegate to any person approved by the Governor, on such terms and conditions as the Governor approves, any of the powers it is authorised to exercise by this Act, other than the power to make regulations under section 43 of this Act, and may at any time, with the Governor's approval, vary or revoke such delegation.

(2) The trust may accept any gift, devise or bequest for any purpose of this Act and may give effect to any trusts, conditions or stipulations relating thereto which are in accordance with law.

Power of trust to make, vary, and discharge contracts

15. (1) The trust may enter into, vary, and discharge contracts for any of the purposes of this Act.

(2) The trust may for the purposes of this Act, enter into any contract with any person.

(3) Every contract entered into by the trust may be made, varied, or discharged by the trust as follows:—

- I. A contract which, if made between private persons, would by law be required to be in writing and under seal, or to be proved by writing under seal, may be made in writing and under the common seal of the trust, and may be varied or discharged in the same manner:
- II. A contract which, if made between private persons, would by law be required to be in writing, signed by or on behalf of the parties thereto, or to be proved by writing so signed, may be in writing under the common seal of the trust, or in writing signed by the chairperson or two members and countersigned by the secretary acting by the direction and on behalf of the trust, and may be varied or discharged in the same way as it was or might have been made:
- III. A contract which, if made by private persons, would be valid in law although not reduced into writing, or might be proved without writing, may be made in either of the two ways aforesaid, or by either of the chairperson or secretary when acting by the direction (whether general or specific) and on behalf of the trust with or without writing, and may be varied or discharged in the same manner as it was or might have been made.

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(4) Every deed, conveyance, agreement, contract under seal, or instrument which it is necessary for the trust to execute or sign and is not otherwise provided for by this section, shall have the common seal of the trust affixed thereto, and be signed by the chairperson or two members and countersigned by the secretary.

(5) Every deed, conveyance, agreement, contract, or instrument made in writing under the common seal of the trust shall be signed by the chairperson or two members and countersigned by the secretary.

Appointment of secretary and other officers

16. (1) The trust shall appoint a secretary for the purposes of this Act.

(2) The trust may appoint and employ such other officers and servants as it deems necessary and, with the Governor's approval, enter into any arrangement with any person, whether as its agent or otherwise, to enable or assist it to carry into execution the various powers and duties vested in or imposed on it by this Act.

(3) The secretary and all other persons appointed by the trust shall act under the control of the trust.

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 chairperson, the secretary or some other responsible officer of the trust.

Payment of salaries, etc.

17. (1) The trust may pay to every person appointed or employed by it such salary, allowances, fees, wages, pensions, or retiring allowances as it deems reasonable or proper, and may pay the premiums in respect of the fidelity guarantee or workmen's compensation insurance policies of its officers and servants.

(2) The trust may contribute to any sick, accident, or pension fund for its officers and servants or to any fund for the purpose of providing retiring benefits for its officers and servants.

Committee

18. The trust may from time to time appoint a committee or committees of its members, and may delegate to any such committee such of its powers and duties as it thinks fit, and may at any time alter, vary, or revoke any such delegation.

Minute-book

19. (1) The trust shall keep a minute-book in which the proceedings of each meeting and the business performed thereat shall be entered.

(2) The minutes of each meeting shall be submitted for confirmation at a subsequent meeting of the trust, and, if confirmed, shall be signed by the chairperson or other person presiding at the subsequent meeting. All entries in the minutes so signed shall be received in all courts and tribunals and by all persons as sufficient evidence of the accuracy of the matters therein recorded until the contrary is proved.

PART 3
ESTABLISHMENT, ACQUISITION AND ADMINISTRATION OF CEMETERIES

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.

Administration of West Terrace Cemetery

20A. (1) The trust will administer and maintain West Terrace Cemetery.

(2) The following provisions apply to the administration and maintenance of West Terrace Cemetery by the trust:

(a) the trust has the powers and duties of the Minister under the *West Terrace Cemetery Act 1976* and must administer and maintain West Terrace Cemetery in accordance with that Act;

(b) for that purpose the *West Terrace Cemetery Act 1976* is to be read as if a reference to the Corporation or the Minister (except in section 4) were a reference to the trust;

(c) to the extent of any inconsistency between this Act and the *West Terrace Cemetery Act 1976* (as modified by paragraph (b)), the *West Terrace Cemetery Act 1976* prevails;

(d) without limiting the effect of paragraph (c)—

(i) the granting of interment rights and the fees payable in respect of West Terrace Cemetery remain regulated by the *West Terrace Cemetery Act 1976*; and

(ii) West Terrace Cemetery remains non-rateable property;

(e) the trust may apply its revenue (whether derived from West Terrace Cemetery, a cemetery of the trust or any other source) in the administration and maintenance of West Terrace Cemetery;

(f) for the purposes of keeping a reserve fund under this Act, West Terrace Cemetery is to be regarded as a cemetery of the trust;

(g) the trust is subject to the control and direction of the Minister.

(3) The trust must, in accordance with this section—

(a) prepare plans of management for West Terrace Cemetery; and

(b) present the plans at public meetings convened by the trust.

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(4) The plans of management must be prepared and presented as follows:

- (a) the first plan must cover a five year period and be prepared and presented within 12 months after the commencement of this section;
- (b) subsequent plans must cover subsequent five year periods and each plan must be prepared and presented at least six months before it is to take effect.

(5) A plan of management must take into account the historical significance of the cemetery and establish policies relating to the following matters:

- (a) retention or removal of existing headstones;
- (b) reuse of burial sites;
- (c) the scale and character of new memorials or monuments;
- (d) planting and nurturing of vegetation in the cemetery.

(6) In preparing a plan of management the trust must consult with the State Heritage Branch of the Department of Environment and Natural Resources and other persons who, in the opinion of the trust, have a particular interest in management of the West Terrace Cemetery.

(7) The trust must, at least two weeks before the date of a public meeting to be convened under this section, publish a notice of the date, time, place and purpose of that meeting in a newspaper circulating generally throughout the State.

(8) The trust may revise and update a plan of management at any time.

(9) The trust must keep a copy of the current plan of management available for inspection by members of the public, without charge and during normal office hours, at a place determined by the Minister.

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.

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Power of trust to borrow on overdraft

24. (1) The trust may borrow from any ADI 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.

(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.

Trust may borrow money for erection of crematorium, etc.

24A. The trust may, with the consent of the Minister, borrow money for the purpose of erecting a crematorium or any building or of making improvements which the trust is authorised to erect or make under this Act and may, with like consent, mortgage or charge any portion of the land included in a cemetery which has not been developed, prepared, set apart or used for burial purposes as security for the repayment of any money so borrowed together with interest thereon.

Application of revenue

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

Reserve fund and other investments

26. (1) The trust may in any financial year set aside out of its revenue such amount as the Minister may approve as a reserve fund or a contribution towards a reserve fund to provide for the payment of future working expenses and maintenance costs of one or more of its cemeteries. The trust may expend the reserve fund or any part thereof for any such purpose.

(2) The reserve fund, and any other moneys of the trust that are not for the time being required for the purposes of the trust, may, with the approval of the Treasurer, be invested by the trust in such investments as the Treasurer from time to time approves.

Books and accounts

27. (1) The trust shall keep proper books of account for the purpose of recording its income and expenditure.

(1a) Where any income is derived or expenditure is incurred by the trust through the exercise of any powers delegated by the trust to any person or through any activity of any person with whom the trust has entered into an arrangement pursuant to this Act, such person shall keep proper books of account for the purpose of recording all transactions relating to such income and expenditure, and shall, when requested by the trust, or the Auditor-General, or by any person authorised in that behalf by the Minister, produce such books for inspection.

Penalty: One hundred dollars.

(2) The financial year of the trust shall end on the thirtieth day of June in every year.

(3) The books shall be balanced in respect of every financial year on or before the first day of October after the close of the financial year.

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Auditor

29. (1) The Auditor-General shall make an annual audit of the trust's accounts and for the purpose of the audit may exercise any of the powers which he could exercise for the purpose of auditing the accounts of a Government department.

(2) The trust shall for every audit pay to the Treasurer of the State a reasonable fee of an amount approved by the Treasurer.

Banking account

30. (1) All moneys received by the trust shall be paid to the credit of the trust with some ADI in Adelaide or with the Treasurer of the State.

(2) No money shall be withdrawn from any such ADI or the Treasurer of the State except by cheque signed by a member and the secretary.

Payment of members

31. (1) Members of the trust shall be paid by the trust such fees as are from time to time fixed by the Minister.

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(2) The trust may pay to any member any travelling or other expenses necessarily incurred by the member on the business of the trust.

Administration of a cemetery

32. * * * * *

(2) Subject to this Act, the trust may within a cemetery erect or cause or permit to be erected any buildings, and make or cause or permit to be made any improvements, which the trust considers necessary or expedient for the conduct of the cemetery.

(3) Subject to this Act and the *Cremation Act 1891-1936*, the trust may erect and maintain or cause or permit to be erected and maintained a crematorium within a cemetery.

Power to set apart portion of cemetery for religious denominations and deceased members of the armed forces

33. (1) The trust may set apart any portion of each of its cemeteries for the burial of persons of any particular religious denomination. If a request in writing is made to the trust by any religious denomination requesting that a portion of a cemetery be set apart for the burial of persons of that denomination, the trust may set apart a portion of that cemetery for that purpose.

(2) The trust shall set apart a portion of each of its cemeteries for the burial of persons who are or who have been members of any naval, military, or air force of the Commonwealth or any other part of His Majesty's Dominions.

(3) Where the trust has set apart or sets apart a portion of a cemetery for any purpose pursuant to this section that portion shall not be used by any person for any other purpose except with the consent of the Governor.

Ministers to have free access

34. The minister of any religious denomination for which any portion of a cemetery is specially set apart shall have free access and admission to that portion of the cemetery at all times as he thinks fit, and may freely exercise his spiritual functions therein without any hindrance or disturbance.

Erection of mortuary chapels by religious denominations

35. If any portion of a cemetery is set apart for the burial of persons of any particular religious denomination the trust may, after approving the plans thereof, permit the members of that religious denomination to erect in the said portion of the cemetery a suitable mortuary church or chapel for the performance of the rites and ceremonies in the burial of the dead according to the usages of that denomination. Any such permission may be granted subject to any conditions thought fit by the trust.

Right to performance of religious ceremony

36. The trust shall not by any regulation or any act, matter, or thing at any time interfere directly or indirectly with the performance of any religious ceremony in the burial of the dead according to the usage of the communion to which the deceased has belonged.

Power to grant burial rights

37. (1) The trust may grant rights for burial purposes over any part of a cemetery.

(2) No such burial right shall be granted for any longer term than ninety-nine years but may be renewed from time to time for any period not exceeding ninety-nine years.

(3) Any such burial right may grant the exclusive right of burial in the land therein comprised.

Power to publish scale of fees

38. (1) The trust may from time to time fix a scale of fees and charges which shall be payable to the trust or to an agent of the trust or some other person duly appointed or authorised to receive the same for the grant of burial rights and in respect of other rights and services granted or given in respect of a cemetery.

(2) Different fees may be fixed with respect to different cemeteries and to different parts of the same cemetery, with respect to different classes of burial rights, and with respect to different kinds of other rights and services.

(3) Any such scale of fees and charges shall be published in the *Government Gazette*.

General power of maintenance, etc.

39. The trust may do anything not inconsistent with this Act or with any direction of the Minister which the trust considers necessary or expedient for the upkeep, maintenance, improvement, and management of its cemeteries and may expend its moneys for any such purpose.

Plan of trusts cemeteries

40. (1) The trust shall cause a plan to be made of each of its cemeteries.

(2) Each plan shall be made on a scale large enough to show the situation and distinctive number of every grave and burial place, and to show the information required to be placed thereon pursuant to section 41.

Register of burials

41. (1) All burials within a cemetery shall be registered in a book to be provided and kept by the trust for that purpose, and shall be noted on the plan required to be made pursuant to section 40 in respect of that cemetery.

(2) In the register-book shall be distinguished in what parts of the cemetery the several bodies are buried.

(3) The register-book shall be indexed so as to facilitate searches for entries therein.

(4) Every book and document purporting to be any such register-book or a copy or an extract therefrom shall be received in all courts as evidence of the burials entered therein.

Register of cremations

42. (1) All cremations effected within any crematorium within a cemetery shall be registered in a register-book to be provided and kept by the trust.

(2) The register-book shall be indexed so as to facilitate searches for entries therein.

(3) Every book and document purporting to be any such register-book or a copy or extract therefrom shall be received in all courts as evidence of the cremations entered therein.

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**PART 4
MISCELLANEOUS**

Regulations

43. (1) The trust may make regulations not inconsistent with any regulation made pursuant to section 595 of the *Local Government Act 1934-1941* for all or any of the following matters:—

- I. For the general management of a cemetery:
- II. For regulating and controlling the digging, making, and maintenance of graves and vaults in a cemetery and fixing the position thereof:
- III. For regulating and controlling the erection and maintenance in a cemetery of monuments, tombstones, railings, fences and other structures:
- IV. For protecting the buildings, monuments, tombstones, railings, fences, other structures, shrubberies, plantations, and enclosures in a cemetery and generally for maintaining good order and proper conduct in a cemetery and for the protection of any property therein:
- V. For regulating the duties of the officers and servants of the trust:
- VI. For regulating the proceedings of the trust:
- VII. For any other matters necessary or desirable for carrying this Act into effect:
- VIII. For imposing penalties not exceeding one hundred dollars for the breach of any regulation.

(2) No such regulation shall be made except with the approval of the Governor.

Liability of trust for local government rates, etc.

44. (1) Except as provided by subsection (2), the trust shall, for the purposes of the *Local Government Act 1934-1941*, and in respect of any land of which the trust is the owner or occupier, be subject to the duties and liabilities imposed by that Act upon owners or occupiers of ratable property.

(2) The rates payable in respect of The Enfield General Cemetery are not to be determined under the *Local Government Act 1934* but instead are \$200 for each financial year.

Summary proceedings

45. All proceedings in respect of any offence against this Act shall be disposed of summarily.

SCHEDULES

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APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional Provision from Enfield General Cemetery (Administration of West Terrace Cemetery) Amendment Act 1997, Sched. cl. 2)

Membership of trust to continue

2. (1) The members of the trust who held office immediately before the commencement of this amending Act continue to hold office on the trust subject to the principal Act.

(2) Of those members, the member who was appointed under section 5(2)(e) on the nomination of a person under section 5(3)(a), (b) or (c) will be taken to have been appointed on the nomination of the person under the corresponding subparagraph of section 5(d).

Legislative History

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 3 of The Public General Acts of South Australia 1837-1975 at page 762.
- Legislative history since 3 February (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Long title:	amended by 8, 1987, s. 3
Section 2:	amended by 8, 1987, s. 4
Section 3:	definition of "the cemetery" repealed by 8, 1987, s. 5 definition of "chairman" amended by 63, 1997, Sched. cl. 1 definition of "member" amended by 63, 1997, Sched. cl. 1 definition of "West Terrace Cemetery" inserted by 63, 1997, s. 3
Section 5:	amended by 8, 1987, s. 6; substituted by 63, 1997, s. 4
Section 6A:	substituted by 63, 1997, s. 5
Section 11(1):	amended by 63, 1997, Sched. cl. 1
Section 12:	amended by 63, 1997, s. 6
Section 14(2):	amended by 8, 1987, s. 7
Section 15(3) - (5):	amended by 63, 1997, Sched. cl. 1
Section 16A:	amended by 63, 1997, Sched. cl. 1
Section 19(2):	amended by 63, 1997, Sched. cl. 1
Heading preceding section 20:	substituted by 8, 1987, s. 8
Section 20:	substituted by 8, 1987, s. 9
Section 20A:	inserted by 63, 1997, s. 7
Section 21:	substituted by 8, 1987, s. 9
Sections 22, 22A and 23:	repealed by 8, 1987, s. 9
Section 24(1):	amended by 33, 1999, Sched. (item 19(a))
Section 24A:	amended by 8, 1987, s. 10
Section 26(1):	amended by 8, 1987, s. 11
Section 26(2):	substituted by 75, 1983, s. 2
Section 28:	repealed by 75, 1983, s. 3
Section 30(1) and (2):	amended by 33, 1999, Sched. (item 19(b))
Section 32(1):	repealed by 8, 1987, s. 12(a)
Section 32(2):	amended by 8, 1987, s. 12(b)
Section 32(3):	amended by 8, 1987, s. 12(c)
Section 33(1):	amended by 8, 1987, s. 13(a)-(c)
Section 33(2):	amended by 8, 1987, s. 13(d)
Section 33(3):	amended by 8, 1987, s. 13(e)
Section 34:	amended by 8, 1987, s. 14
Section 35:	amended by 8, 1987, s. 15
Section 37(1):	amended by 8, 1987, s. 16
Section 38(1):	amended by 8, 1987, s. 17(a)
Section 38(2):	amended by 8, 1987, s. 17(b)
Section 39:	amended by 8, 1987, s. 18

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Section 40(1):	amended by 8, 1987, s. 19(a)
Section 40(2):	amended by 8, 1987, s. 19(b)
Section 41(1):	amended by 8, 1987, s. 20
Section 42(1):	amended by 8, 1987, s. 21
Section 43(1):	amended by 8, 1987, s. 22
Section 44(2):	amended by 8, 1987, s. 23; substituted by 63, 1997, Sched. cl. 1
Schedules 1, 2 and 3:	repealed by 8, 1987, s. 24
Schedule 5:	repealed by 63, 1997, Sched. cl. 1