

SOUTH AUSTRALIA

KLEMZIG PIONEER CEMETERY (VESTING) ACT, 1983

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Interpretation
4. Vesting of the land in the council
5. Management and use of the land

KLEMZIG PIONEER CEMETERY (VESTING) ACT, 1983

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Klemzig Pioneer Cemetery (Vesting) Act, 1983, No. 109 of 1983
[Assented to 22 December 1983]¹

¹ Came into operation 12 January 1984: *Gaz.* 12 January 1984, p. 50.

An Act to vest certain land in the Corporation of the City of Enfield; and for other related purposes.

WHEREAS Lutheran immigrants of German extraction seeking religious freedom came to South Australia under the leadership of Pastor August Kavel in 1838 and settled at a place they named Klemzig after the area in Germany from which they had come:

AND WHEREAS part of the land at Klemzig was for many years used as a cemetery for many of these pioneer settlers and their descendants:

AND WHEREAS the cemetery land is of historical significance to the Lutheran Church and the State:

AND WHEREAS it is now desirable that the land be vested in the Corporation of the City of Enfield to be maintained as a garden and as a memorial to the Klemzig pioneers but with reservation of certain rights to the Lutheran Church in recognition of the historical and religious significance of the land to that Church:

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

Short title

1. This Act may be cited as the *Klemzig Pioneer Cemetery (Vesting) Act, 1983*.

Commencement

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

Interpretation

3. In this Act—

"the Church" means the Lutheran Church of Australia Incorporated:

"the council" means the Corporation of the City of Enfield:

"the land" means the whole of the land comprised in Certificate of Title Register Book Volume 1701 Folio 180.

Vesting of the land in the council

4. (1) The land is vested in the council for an estate in fee simple.

(2) The land is freed and discharged from any trust, mortgage or encumbrance affecting the land immediately before the commencement of this Act.

(3) The Registrar-General shall, upon application by the council and production of the appropriate duplicate certificate of title and such other documents as he may require, issue such new certificates of title or make such entries or notations upon existing certificates of title as may be necessary to evidence the vesting of the land under this Act.

(4) No fees or stamp duty are payable in respect of an application made under subsection (3).

Management and use of the land

5. (1) The land shall be known as the "Klemzig Memorial Garden" or such other name as may be agreed upon by the council and the Church.

(2) The council—

- (a) shall maintain the land in perpetuity as a place of public interest and for use as a public garden;
- (b) shall maintain and preserve the granite monument and the gateway pillars erected on the land;

and

- (c) may develop the land in a manner that is consistent with its historical significance and its use as a public garden.

(3) The council shall—

- (a) in relation to the maintenance of the land, have due regard to any representations made by the Church;

and

- (b) shall not develop the land except after consultation with the Church.

(4) The Church shall be entitled to use the land on at least one occasion in each year for the purpose of conducting a religious ceremony.