

Crown Lands (General Reserves) By-law 2001

As at 1 February 2003

Part 1 - Preliminary

1 Name of By-law

This By-law is the *Crown Lands (General Reserves) By-law 2001* .

2 Commencement

This By-law commences on 1 September 2001.

Note: This By-law replaces the *Crown Lands (General Reserves) By-law 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989* .

3 Application

This By-law applies to a reserve specified in Schedule 1, except as specifically provided by other clauses of this By-law.

4 Definitions

(1) In this By-law:

authorised person , in relation to a reserve trust, means:

- (a) a member of the trust board of the reserve trust, or
- (b) an administrator of the affairs of the reserve trust, or
- (c) a ranger or other person appointed by the reserve trust, or
- (d) where a council has been appointed to manage the affairs of the reserve trust, any officer, employee of the council or other person appointed as an authorised person by the council.

building includes part of a building.

council has the same meaning as in the *Local Government Act 1993* .

mooring means the anchoring of any vessel or the securing of any vessel to any post, stake, pile, float, pontoon, wall, wharf, jetty or other landing stage.

reserve means a reserve to which this By-law applies, and includes part of a reserve.

reserve trust , in relation to a reserve, means the reserve trust that is the trustee of the reserve under the Act.

secretary , in relation to a reserve trust, means the secretary of the reserve trust.

the Act means the *Crown Lands Act 1989* .

vehicle includes:

- (a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity, and

- (b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things, and
 - (c) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things, and
 - (d) an apparatus propelled on land, snow or ice by human or animal power or by the wind, and
 - (e) a trailer or caravan, whether or not it is in the course of being towed.
- (2) The explanatory note, table of contents and notes in the text of this By-law do not form part of this By-law.

Part 2 - Administration

Division 1 - Trust boards

5 Operation of Division

This Division applies to the reserve trust of a reserve to which this By-law applies, where the reserve trust is managed by a trust board.

6 Meetings

- (1) The trust board is to meet at least 4 times a year at the places and times as determined by the board.
- (2) At one such meeting, to be termed the annual general meeting, the trust board is to elect:
 - (a) a chairperson and a deputy chairperson, and
 - (b) a person or persons as secretary and treasurer unless those positions are filled by a person or persons appointed and employed under clause 13.
- (3) A person elected under subclause (2) is to hold office until the next annual general meeting of the trust board.
- (4) A statement of accounts is to be presented to the annual general meeting of the trust board.

7 Special meetings

On receipt by the chairperson of a written request for a meeting of the trust board, the chairperson, if the request is signed by at least 2 members of the board and specifies the purpose of the meeting, is to call a special meeting to be held within 28 days after receipt of the request at the place and time specified by the chairperson.

8 Prior notice of meetings

- (1) Subject to subclause (2), the chairperson, not later than 10 days before the day appointed for a meeting referred to in clause 6 or 7, is to forward to each member of the trust board a notice in writing setting out the place and time of the meeting and the agenda for that meeting.
- (2) If the chairperson is of the opinion that a special meeting should be held as soon as possible, the chairperson may give such notice of the place and time of, and the agenda for, the meeting as the chairperson considers appropriate.

9 Casual vacancy

If a casual vacancy occurs in the office of the chairperson, deputy chairperson, secretary or treasurer, the trust board, at the first meeting held after the occurrence of the casual vacancy, is to elect or appoint, as the case requires, a person to fill the vacancy and the person so elected or appointed is entitled to hold office for the unexpired part of the term of office of that person's predecessor.

10 Conduct of meetings

- (1) At a meeting of the trust board, the chairperson or, in the absence of the chairperson, the deputy chairperson, is to preside.
- (2) In the absence of the chairperson and the deputy chairperson, the members of the trust board present are to elect a person from among their number to preside at the meeting and the person so elected is to preside.
- (3) The person presiding at a meeting of the trust board is to have a deliberative vote and, in the event of an equality of votes, is to have a second or casting vote.

11 Committees

- (1) The trust board may form one or more committees to carry out such works or perform such duties as the board determines.
- (2) All such committees must consist of members of the trust board.

Division 2 - General administrative matters

12 Operation of Division

This Division applies to the reserve trust of a reserve to which this By-law applies.

13 Officers and employees

- (1) The reserve trust may appoint and employ a secretary, a treasurer, rangers and such other officers and employees as may be necessary for the efficient operation of the reserve.
- (2) One person may be appointed to the positions of secretary to, and treasurer of, the reserve trust.
- (3) If there is a trust board, a member of the trust board may be appointed and employed under this clause.

14 Duties of secretary and treasurer

- (1) The secretary is:
 - (a) to keep and maintain minutes of each meeting of the reserve trust, and
 - (b) to keep and maintain the book (disclosure of pecuniary interests of members of a trust board) required by clause 1 (3) of Schedule 4 to the Act, and
 - (c) to perform other duties as directed by the reserve trust.
- (2) The treasurer is:
 - (a) to be responsible to the reserve trust for the keeping and maintaining of proper financial records, and
 - (b) to keep and maintain the records required to be kept by the reserve trust under Schedule 4 to the *Crown Lands Regulation 2000* .

15 Financial year

The reserve trust's financial year is the year ending on 30 June.

16 Receipts and disbursements

- (1) All money received by the reserve trust is to be deposited to the credit of an account established with any authorised deposit-taking institution in the name of the reserve trust.
- (2) Each item of expenditure by or on behalf of the reserve trust is to be authorised or confirmed for payment, at a duly convened and constituted meeting of the reserve trust by tabling and approval of a report by the treasurer relating to that item of expenditure.
- (3) Cheques drawn on the reserve trust's account are to be signed by one member of the reserve trust and one other person approved by the trust.
- (4) If an administrator of a reserve trust has been appointed under the Act, cheques are to be signed by the administrator and one other person chosen by the administrator.

17 Common seal

- (1) The common seal of the reserve trust is to be kept by the secretary or, if there is no secretary, by such other person as may be appointed by the trust.

- (2) A trust's seal may be affixed to an instrument or document only:
 - (a) following a resolution to do so passed at a meeting of the trust, and
 - (b) in the presence of the secretary or a member of the trust board, and
 - (c) with an attestation by the signature of the secretary or member of the fact of the affixing of the seal.
- (3) If an administrator of a trust has been appointed, the trust's seal may be affixed and attested by the administrator alone.

Part 3 - Regulation of use of reserves

Division 1 - Use of reserves generally

18 Public access to reserve

- (1) Subject to subclause (2), the reserve is to be open to the public during such times as the reserve trust may specify in a public notice displayed at or adjacent to each entrance to the reserve.
- (2) The reserve trust, by a public notice displayed at or adjacent to each entrance to the reserve, may do any of the following:
 - (a) close to the public the reserve, any part of the reserve, or any building, structure or enclosure,
 - (b) restrict or otherwise regulate the purposes for which the reserve, any part of the reserve or any building, structure or enclosure may be used,
 - (c) prohibit the use of the reserve, any part of the reserve or any building, structure or enclosure for any purpose specified in the notice.
- (3) A person must not enter or use the reserve, any part of the reserve or any building, structure or enclosure in the reserve contrary to a public notice displayed under this clause.

Maximum penalty: 5 penalty units.

19 Reserve trust may set aside parts of reserve for certain uses

Subject to and consistent with any plan of management for a reserve, the reserve trust may set aside any part of the reserve, including any building, structure or enclosure, for any purpose for which the reserve may be used.

20 Fees and charges

- (1) The reserve trust may from time to time determine the fees or charges payable in respect of any one or more of the following:
 - (a) use of the whole or any part of the reserve and any building, structure or enclosure in the reserve,
 - (b) parking or use of any vehicle or class of vehicles on the reserve,
 - (c) use of electricity, gas and water,
 - (d) rubbish disposal and cleaning of the reserve,
 - (e) removal of effluent.
- (2) The reserve trust of a reserve (other than a reserve for a cemetery) may from time to time determine the fees or charges payable in respect of entry to the whole or any part of the reserve and any building, structure or enclosure in the reserve.
- (3) The reserve trust of a reserve for a cemetery may from time to time determine the fees or charges payable for the services provided in respect of the cemetery.
- (4) In determining fees and charges, the reserve trust is to have regard to any contractual arrangements entered into by the reserve trust.
- (5) The fees or charges payable under subclause (1) or (2) must be displayed in a public notice erected at or adjacent to each entrance to the reserve or part of the reserve or building, structure or enclosure to which the fees or charges relate.

- (6) The fees or charges payable under subclause (3) must be displayed in a public notice outside the office of the reserve trust.
- (7) The reserve trust may in any particular case waive payment of a fee or charge.
- (8) The Minister may serve notice on the reserve trust disallowing or varying any fee or charge as set out in the notice and the reserve trust is to give effect to the Minister's notice.

21 Entry

- (1) A person who enters the reserve or a part of the reserve or any building, structure or enclosure in the reserve, whether on payment of an entrance fee or otherwise, enters subject to such conditions as may be determined from time to time by the reserve trust and as are displayed in public notices erected at or adjacent to each entrance to the reserve or part or the building, structure or enclosure.
- (2) The reserve trust may designate entrance and exit points to and from the reserve, any part of the reserve or any building, structure or enclosure in the reserve by public notices displayed at or near those points.
- (3) Where the reserve trust has designated any entrances and exits, a person must not enter or leave the reserve or part or the building, structure or enclosure otherwise than through an entrance or exit as designated by public notices displayed at or adjacent to the entrance or exit.
Maximum penalty: 5 penalty units.
- (4) Where the reserve trust has designated an entrance and determined an entrance fee, a person must not enter the reserve or part or the building, structure or enclosure unless:
 - (a) the person pays that entrance fee, and
 - (b) the person enters as directed by public notices displayed at or adjacent to an entrance where any entrance fee demanded is payable.Maximum penalty: 5 penalty units.

22 Vehicles on reserve

- (1) The reserve trust may give such directions as to the bringing of vehicles into, and the use and parking or mooring of vehicles in, the reserve as the reserve trust thinks fit, and any such direction:
 - (a) may be limited as to time, place or subject-matter, and
 - (b) may be varied or revoked by the reserve trust.
- (2) A direction given under subclause (1) has effect only where it appears in a public notice displayed on or near the reserve or part to which the direction relates.
- (3) The direction appearing in a public notice that is displayed on or near a reserve or part with the authority of the reserve trust has effect as a direction, for the time being in force, given under subclause (1) in relation to the reserve or part and the notice is, for the purposes of subclause (2), notice of that direction.
- (4) A person must not contravene a direction having effect under this clause.
Maximum penalty: 5 penalty units.
- (5) A person must not interfere with, alter or remove any public notice displayed with the authority of the reserve trust under subclause (2).
Maximum penalty: 5 penalty units.
- (6) Nothing in this clause affects any provision of the Act or any other Act or any other provision of this By-law so far as the provision has effect in relation to conduct on a reserve.

23 Regulation of conduct in reserve

- (1) A person must not make use of a reserve or carry on a specified activity in the reserve if that use or specified activity is prohibited by a public notice displayed on the reserve.
Maximum penalty: 5 penalty units.
- (2) For the purposes of subclause (1), the specified activities are as follows:
 - (a) entering the reserve at a time when the reserve is not open to the public,
 - (b) entering any building, structure or enclosure or part of the reserve not open to

- the public,
- (c) holding a meeting or performance or conducting an entertainment,
 - (d) taking part in any gathering, meeting or assembly (except, in the case of a cemetery, for the purpose of a religious or other ceremony of burial or commemoration),
 - (e) selling, offering or exposing for sale any article or thing,
 - (f) displaying or causing any bill or poster to be displayed,
 - (g) distributing any circular, advertisement, paper or other printed, drawn, written or photographic matter,
 - (h) having or operating television, cinematographic or photographic equipment for commercial purposes,
 - (i) camping or permanently residing,
 - (j) planting any tree, shrub, vine, flower or other plant,
 - (k) damaging, picking or removing any tree, shrub, plant, vine, flower or other vegetation (whether dead or alive), except as permitted by paragraphs (l) and (m),
 - (l) removing any dead timber, log or stump, whether standing or fallen, except for the purpose of cooking food in the reserve,
 - (m) damaging any lawn, playing field or green, except in the course of and as a normal incident of any recreational or sporting activity,
 - (n) defacing or removing or disturbing any rock, soil, sand, stone or similar substance,
 - (o) lighting a fire:
 - (i) at any time when the lighting of fires in the reserve is prohibited under the *Rural Fires Act 1997* , or
 - (ii) at any other time except in a fire-place provided by the reserve trust or in portable cooking equipment,
 - (p) climbing any tree, building, fence, seat, table, enclosure or other structure,
 - (q) destroying, capturing, injuring, annoying or interfering with, or interfering with the habitat of, any animal, bird or other fauna, whether native or introduced,
 - (r) having or keeping any dog or other animal, or allowing any animal under the person's control to depasture,
 - (s) carrying, laying or setting any trap, snare or poison bait, or dropping from any aircraft any trap, snare or poison bait,
 - (t) placing any beehive,
 - (u) carrying or having in a person's possession a firearm within the meaning of the *Firearms Act 1996* or a prohibited weapon within the meaning of the *Weapons Prohibition Act 1998* , unless that person is a police officer acting in connection with the performance of that person's duties as such an officer,
 - (v) discharging fireworks,
 - (w) having in possession, selling, serving or consuming any intoxicants,
 - (x) having or using any axe, saw or similar tool or implement,
 - (y) assembling or using a hang-glider or landing a helicopter,
 - (z) flying a mechanically propelled model aircraft or similar thing,
 - (aa) breaking any glass or throwing or projecting any stone, missile or other object,
 - (bb) operating a radio, cassette, record player or electronic sound system at a volume likely to cause a nuisance to any person or animal,
 - (cc) conducting or taking part in any sporting activity that forms part of any organised competition or tournament,
 - (dd) riding on or using a skateboard, roller skates, roller blades, scooter or similar apparatus,
 - (ee) jetskiing or surfboarding,

(ff) fishing.

(3) Nothing in this clause prohibits a person with a disability (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth) from being accompanied by an assistance animal (that is, an animal referred to in section 9 of that Act).

(4) A person must not interfere with, alter or remove any public notice displayed with the authority of the reserve trust under subclause (1).

Maximum penalty: 5 penalty units.

(5) Nothing in this clause affects any provision of the Act or any other Act or any other provision of this By-law so far as the provision has effect in relation to conduct on a reserve.

24 Conduct prohibited in reserve

(1) A person must not:

(a) leave any rubbish or litter in the reserve, except in receptacles provided by the reserve trust for the purpose, or

(b) damage, deface or interfere with any structure, sign, public notice, descriptive plate, label, machinery or equipment in the reserve, or

(c) obstruct any authorised person or employee of, or contractor to, the reserve trust in the performance of the authorised person's duty or the employee's or contractor's work in the reserve, or

(d) pollute any fresh water, tank, reservoir, pool or stream in the reserve, or

(e) bring onto the reserve any diseased animal or any noxious animal, or

(f) walk over, mark, scratch or otherwise mutilate, deface, injure, interfere with, remove or destroy any Aboriginal rock carving, its surrounds or any other Aboriginal relic in the reserve, or

(g) deface with graffiti or other form of writing, picture, or symbol, any trees, building, fence, seat, table, public notice, enclosure or other structure in the reserve, or

(h) drive or ride any animal or act contrary to any public notice erected by the reserve trust that regulates the use or movement or confinement of animals in the reserve, or

(i) remain in the reserve or any part of the reserve or any building, structure or enclosure in the reserve when requested to leave by an authorised person, or

(j) bring into or leave in the reserve any refuse, scrap metal (including any vehicle or vehicle part), rock, soil, sand, stone or other such substance.

Maximum penalty: 5 penalty units.

(2) A person must not in a reserve for a cemetery:

(a) interfere with any grave or monument, or

(b) open any coffin, or

(c) disturb or interrupt any service, procession, cortege, gathering, meeting or assembly, or

(d) bury any human remains (whether cremated or not).

Maximum penalty: 5 penalty units.

Division 2 - Additional provisions in regard to crematoriums and cemeteries

25 Application of this Division

(1) This Division applies to a crematorium, general cemetery or portion of a general cemetery specified in Part 2 of Schedule 1.

(2) In the application of this Division to a portion of a cemetery:

(a) a reference to a cemetery is taken to include a reference to a portion of a cemetery, and

(b) a reference to a reserve trust in relation to a cemetery is taken to be a reference to a reserve trust for a portion of a cemetery.

(3) This Division does not affect the operation of any regulations under the *Public Health Act 1991* relating to cemeteries.

26 Definitions

In this Division:

burial place means a grave site, vault site, crypt site or other place for the disposition of the remains of the dead.

exclusive right of burial means an exclusive right of burial granted by a reserve trust in respect of a burial place.

holder, in relation to an exclusive right of burial, means the person recorded, in the register kept by the reserve trust, as the person entitled to the exclusive right.

27 Planning, conduct and maintenance

A reserve trust may make such provision as it considers necessary for the following:

- (a) the setting aside of sections for different types and classes of burials,
- (b) the establishment of standards of construction and design for monuments and structures,
- (c) the size, multiple use and location of burial places,
- (d) burials in vaults,
- (e) the erection or installation of structures and the making of inscriptions,
- (f) the carrying out of work by monumental masons,
- (g) the qualifications required by, and the security deposits required to be lodged by, monumental masons,
- (h) the removal, replacement and maintenance of structures,
- (i) the placing of vases, statuettes, jars, bottles or other items of embellishment on or near graves, monuments, crypts or vaults,
- (j) the improvement and maintenance of the cemetery,
- (k) the making of arrangements for the care of burial places on an annual or other basis,
- (l) the supply of goods and services incidental to the conduct of burials and other matters relating to the cemetery,
- (m) the conduct of religious or other ceremonies of burial or commemoration.

28 Grant of exclusive rights of burial

- (1) A reserve trust may grant an exclusive right of burial in respect of a burial place in the cemetery.
- (2) An application for an exclusive right of burial must be in the form approved by the reserve trust and accompanied by the appropriate fee.
- (3) An exclusive right of burial may be granted to one person or to two or more persons as joint holders.
- (4) An exclusive right of burial entitles the person or persons to whom it is granted to the exclusive right of burial in the burial place in respect of which it is granted.

29 Transfer of exclusive rights of burial

- (1) A reserve trust may, on application made by the holder of an exclusive right of burial, transfer an exclusive right of burial from one or more persons to one or more other persons.
- (2) An application for the transfer of an exclusive right of burial must be in the form approved by the reserve trust and accompanied by the appropriate fee.

30 Grant or transfer of exclusive rights of burial may be refused

A reserve trust may refuse to grant or transfer an exclusive right of burial if, in its opinion, the grant or transfer would tend to create a monopoly or encourage dealing in such rights as a business.

31 Exclusive rights of burial may be bequeathed

- (1) The holder of an exclusive right of burial may bequeath the right as if it were the holder's personal estate.
- (2) A person to whom an exclusive right of burial devolves as a result of a bequest does not become the holder of the right until the register is amended to indicate that fact.
- (3) On application made by a person to whom an exclusive right of burial has devolved as a result of a bequest, a reserve trust must amend the register so as to indicate that the person has become the holder of the right.
- (4) An application under this clause must be in the form approved by the reserve trust and accompanied by the appropriate fee.

31A Revocation of exclusive rights of burial

- (1) A reserve trust may revoke any exclusive rights of burial it, or any previous reserve trust for the cemetery concerned, has granted if those rights are not exercised within 60 years after they are granted.
- (2) Before revoking any exclusive rights of burial under this clause, the reserve trust must cause notice of its intention to do so to be sent, by registered mail, to the person (if any) shown in the relevant register of burial places as the holder of those rights.
- (3) If no response to the notice is received within 28 days after the date on which it is sent, a second notice of the reserve trust's intention is to be given by means of an advertisement, identifying the burial place and the name of the holder:
 - (a) displayed in a prominent position at the burial place concerned, at each entrance to the cemetery and at the offices of the reserve trust, and
 - (b) published in at least one national and one local newspaper.
- (4) If no response to the second notice is received within 6 months after the date on which it is advertised, final notice of the reserve trust's intention:
 - (a) identifying the burial place and the name of the holder, and
 - (b) allowing the holder 28 days from the date of the notice within which to enter into negotiations of the kind referred to in subclause (6),is to be given by means of an advertisement published in at least one national and one local newspaper.
- (5) If no person is shown in the relevant register of burial places as the holder of the exclusive rights of burial to be revoked, or if the reserve trust has insufficient information to properly address the notice referred to in subclause (2), the trust is not required to send that notice but may in that case begin the notification process by means of the notice referred to in subclause (3).
- (6) At any time before the expiry of the period for responding to the final notice, the holder of the exclusive rights of burial concerned may enter into negotiations with the reserve trust for:
 - (a) the sale of those rights to the trust, or
 - (b) the retention of those rights.

31AB Gazetteal of revocation of rights

Within 28 days after revoking any exclusive rights of burial, the reserve trust is to cause a notice:

- (a) identifying the burial place and the name of the former holder of those rights, and
- (b) indicating the date on which the rights were revoked,

to be published in the Gazette.

31B Compensation

- (1) If a reserve trust revokes the exclusive rights of burial for a burial place, whether granted before or after the commencement of this clause, the former holder of those rights is entitled:
 - (a) to be granted exclusive rights of burial:

- (i) for an alternative burial place in the same cemetery (and, if available, in the same general location) as the original burial place, and
 - (ii) for an equivalent period to that for which the original exclusive rights of burial were granted, or
- (b) to be paid by the trust, by way of compensation, an amount equal to half of the fee payable (as provided by the trust's current scale of fees) for the granting of exclusive rights of burial:
 - (i) for an alternative burial place in the same cemetery (and, if available, in the same general location) as the original burial place, and
 - (ii) for an equivalent period to that for which the original exclusive rights of burial were granted.
- (1A) If there is no alternative burial place available, or if there is no applicable scale of fees, the amount of compensation referred to in subclause (1) (b) is to be half of the fee payable under the most recent applicable scale of fees, varied in proportion to any variation in the Consumer Price Index (All Groups Index) for Sydney that has occurred between the date on which that scale was established and the date of revocation of the exclusive rights of burial.
- (1B) A reserve trust must ensure that any report on its accounts contains an estimate of its contingent liability with respect to any exclusive rights of burial it has revoked.
- (2) The reserve trust may elect whether the former holder of the revoked exclusive rights of burial is to be granted an alternative burial place or paid compensation.
- (3) Despite clause 29, if the former holder of the revoked exclusive rights of burial is granted exclusive rights of burial for an alternative burial place, those rights may not be transferred by the former holder within 5 years after the date on which they were granted.
- (4) A former holder of revoked exclusive rights of burial may apply to the Minister for a review of any election of the relevant body of trustees under this section.
- (4A) An application for an entitlement under this clause:
 - (a) must be in the form approved by the reserve trust, and
 - (b) must be accompanied by the fee set by the reserve trust under clause 20, and
 - (c) must be lodged with the reserve trust within 6 years after the date on which the relevant exclusive rights of burial were revoked.

Note: Pursuant to clause 20 (8), the fee referred to in paragraph (b) is subject to variation or disallowance by the Minister.
- (5) The Minister's decision on such a review:
 - (a) is final, and
 - (b) is taken to be the decision of the relevant body of trustees, and
 - (c) is to be given effect to accordingly.
- (6) In this clause, **former holder** of revoked exclusive rights of burial means the person who held those rights immediately before they were revoked.

32 Burials in burial places in respect of which exclusive rights have been granted

- (1) The remains of a deceased person may not be buried in a burial place in respect of which an exclusive right of burial has been granted unless:
 - (a) the person was the holder of the right immediately before he or she died, or
 - (b) the holder of the right gives written consent to the person's remains being buried in the burial place.
- (2) On the death of the spouse or a child of the holder of an exclusive right of burial, the remains of the spouse or child may be buried in the burial place to which the right relates without the written consent of the holder of the right if the reserve trust is satisfied:
 - (a) that the holder is not available to give consent to the burial, and
 - (b) that consent to the burial would be given if the holder were available.
- (3) The only compensation that the reserve trust is liable to pay to the holder of an exclusive right of burial in the event that it permits the holder's spouse or child to be

buried in the burial place without the consent of the holder is an amount equivalent to the fee currently charged by the trust for the grant of an exclusive right of burial in respect of a comparable burial place.

33 Register of burial places

- (1) A reserve trust must cause a register of burial places to be kept in respect of all burial places in the cemetery in accordance with the regulations under the *Public Health Act 1991*.
- (2) The register may be kept in electronic or written form.
- (3) A reserve trust may amend its register from time to time so as to remove any inaccuracies contained in it.
- (4) A reserve trust must, on application made by any person, make available to the person a copy of any entry made in the register in relation to a burial place.
- (5) Such an application must be in the form approved by the reserve trust and accompanied by the appropriate fee.
- (6) The register is admissible in any proceedings as evidence of the identity of the holder of an exclusive right of burial that has been granted in respect of any particular burial site.

34 Certificates of exclusive rights of burial

- (1) A reserve trust may issue to the holder of an exclusive right of burial a certificate of exclusive right of burial in relation to the burial place concerned.
- (2) An application for such a certificate must be in the form approved by the reserve trust and accompanied by the appropriate fee.
- (3) A certificate under this clause is to be in such form as the reserve trust may from time to time determine.

35 Order for burial

- (1) A burial must not take place in a cemetery unless the reserve trust has issued an order for burial.
- (2) A reserve trust may set down the procedure to be followed to obtain an order for burial.

36 Hours of burial

Burials are not to take place except at such times as the reserve trust may from time to time determine.

37 Exhumations

- (1) Exhumations are not to take place unless:
 - (a) prior written approval has been obtained from the Director-General of the Department of Health in accordance with the regulations under the *Public Health Act 1991*, and
 - (b) an order for exhumation has been issued by the reserve trust.
- (2) This clause does not apply if an exhumation order has been issued by a Court.

Part 4 - Miscellaneous

38 Destruction or taking of plants or animals

Nothing in this By-law prevents the reserve trust from authorising:

- (a) the destruction in the reserve of any noxious weed or any feral or pest animal, or
- (b) subject to the provisions of the *National Parks and Wildlife Act 1974*, the taking from the reserve of any plant or animal that, in the opinion of the trustees, has assumed pest proportions or is required for scientific purposes.

39 Certain acts and omissions not to be offences

- (1) A person does not commit an offence under this By-law if the act or omission giving rise to the offence was done or omitted:

aby	aby Racecourse and ound Reserve	4 for racecourse and showground d 21 August 1964) and any additions	aby urse and ound Trust
	Showground	l hectares dedicated for showground ry (notified 26 November 1948) and litions thereto, now assigned the · D620063 in the records of the nent of Land and Water Conservation	Showground
Creek	Creek Reserve	20 for public recreation and museum d 26 June 1987) and any additions	Creek Reserve
le	le Showground Reserve	29 for showground (notified 22 er 1989) and any additions thereto	le ound Reserve
le	le Tennis Courts Reserve	9 for public recreation (notified 24 er 1975) and any additions thereto	le Tennis Reserve Trust
it	it Showground	2 hectares dedicated for showground urst (notified 19 October 1877) and litions thereto, now assigned the · D590074 in the records of the nent of Land and Water Conservation	it Showground
	ē 97856	6 for public recreation and parking d 2 August 1985) and any additions	Place 56) Reserve
en	en Showground	ctares dedicated for showground at en (notified 26 July 1911) and any ris thereto, now assigned the number 22 in the records of the Department of id Water Conservation	en ound Trust
ka	ka Showground Reserve	8 for showground (notified 22 August nd any additions thereto	ka ound Trust
	ē Lakeside State Park	354 for public recreation (notified 1 97) and any additions thereto	ē Lakeside ark Trust
w	w Racecourse Reserve	7 for racecourse (notified 8 July 1908) r additions thereto	w Racecourse ē Trust
g Alley Point	r Dam Reserve	8 for public recreation (notified 28 r 1983) and any additions thereto	g Alley Point ion Reserve

meadow	Park Tennis Courts	10.5 hectares dedicated for tennis courts at meadow (notified 18 October 1935) and any additions thereto, now assigned the number D570095 in the records of the Department of Land and Water Conservation	Park Tennis Trust
Head	Head Reserve	5.5 for public recreation (notified 25 October 196) and any additions thereto	Head Reserve
Hill	Hill Arid Zone Study Area	92 for the public purpose of environmental protection, heritage purposes and public recreation (notified 7 October 196) and any additions thereto	Hill Arid Zone Study Area Trust
Head	Head Reserve	5 for resting place and public recreation (notified 15 May 1936) and any additions thereto	Head Reserve
Wick Heads	Wick Heads Reserve	7 for public recreation (notified 21 October 1958) and any additions thereto	Wick Heads (1957) Public Reserve
Wick Heads	Wick Heads Reserve	9 for public recreation (notified 20 October 1984) and any additions thereto	Wick Heads (1989) Public Reserve
Wick Heads	Reserve	1 for public recreation (notified 18 October 1952) and any additions thereto	Reserve Trust
Wick Heads	Green Reserve	6 for caravan and camping park (notified 17 August 1979) and any additions thereto	Green Reserve Trust
Wick Heads	Reserve Caravan Park	9 for resting place and public recreation (notified 6 January 1961) and any additions thereto	Reserve Trust
Wass	Wass Scenic Reserve	1 for public recreation (notified 1 July 196) and any additions thereto	Wass Scenic Reserve Trust
Warr	Warr Community Centre	07 for community purposes (notified 17 March 1987) and any additions thereto	Warr Community Centre Reserve
Warr	Warr Racecourse Reserve	7 for racecourse (notified 27 October 1907) and any additions thereto	Warr Racecourse Reserve Trust
Warr	Warr Showground	10.5 hectares dedicated for showground and public recreation at Bundarra (notified 15 October 1909) and any additions thereto,	Warr Showground Trust

		signed the number D510031 in the of the Department of Land and Water vation	
Bay	ouse Hill Reserve	2 for public recreation and ation of native flora (notified 30 July nd any additions thereto	Beach Trust
indra	indra Showground and urse Reserve	3 for showground and racecourse d 24 January 1912) and any additions	indra ound and urse Trust
o	o Showground	9 hectares dedicated for showground rgo (notified 20 December 1887) and litions thereto, now assigned the D580107 in the records of the ment of Land and Water Conservation	o Showground
harbour	harbour Racecourse	ectares dedicated for racecourse and ecreation at Coffs Harbour (notified 7 per 1956) and any additions thereto, signed the number D540023 in the of the Department of Land and Water vation	harbour urse and Recreation
harbour	harbour Showground	9 hectares dedicated for showground blic recreation at Coffs Harbour d 31 March 1967) and any additions now assigned the number D540030 ecords of the Department of Land and onservation	harbour ound and Recreation
harbour	each Reserve	6 for resting place and public on (notified 2 June 1933), R.81703 ing place and public recreation d 19 June 1959), R.140089 for park (notified 26 May 1995) and any is thereto	oast State ust
arabran	arabran Showground Reserve	1 for showground and public on (notified 22 January 1965) and any is thereto	arabran ound Trust
	Racecourse and Showground	3 hectares dedicated for showground ecourse at Cowra (notified 17 y 1909) and any additions thereto, signed the number D590004 in the of the Department of Land and Water vation	Showground urse and y Trust
	ala Waters State Park	342 for public recreation (notified 1 97) and any additions thereto	ala Waters ark Trust

ater	ater Public Hall Reserve	17 for public hall (notified 25 March and any additions thereto	ater Public ust
ra	ra Recreation Ground Reserve	1 for public recreation (notified 9 r 1959) and any additions thereto	ra Recreation Trust
	Showground Reserve	2 for showground and public on (notified 6 December 1963) and litions thereto	Showground
	Small Bore Rifle Club	0 for non-profit making organisations d 14 December 1984) and any is thereto	Small Bore lub Trust
	Public Recreation Reserve	9 for public recreation (notified 8 ber 1968) and any additions thereto	Public ion Reserve
Head	ng Reserve	12 for public recreation, preservation e flora, preservation of fauna, ation of Aboriginal heritage (notified ry 1987) and any additions thereto	ng Reserve
Head	Head Public Recreation	0 for public recreation (notified 18 ber 1960) and any additions thereto	Head 10) Public ion Reserve
	Showground	ctares dedicated for showground at (notified 2 December 1899) and any is thereto, now assigned the numbers 10 and R.1002245 in the records of the nent of Land and Water Conservation	Showground
	Public Hall and Recreation	0 for public recreation (notified 25 04) R.77683 for public recreation d 10 June 1955) R.89717 for public on and public hall (notified 30 r 1976) and any additions thereto	Public Hall and ion Reserves
nes	nes Showground	3 hectares dedicated for showground Innes (notified 22 May 1877) and any is thereto, now assigned the number 36 in the records of the Department of id Water Conservation	nes ound Trust
ill	ill Memorial Cemetery	ctares dedicated as an historic y at Gore Hill (notified 1 July 1987) r additions thereto, now assigned the D500620 in the records of the nent of Land and Water Conservation	ill Memorial ry Trust

l	l Racecourse and Recreation Reserve	8 for racecourse and public recreation (notified 24 July 1964) and any additions thereto	l Racecourse and Recreation Reserve Trust
rell Point	rell Point Wharf Reserve	17 for wharf facility (notified 24 April 1964) and any additions thereto	rell Point Wharf Trust
g	g Racecourse Reserve	ectares dedicated for racecourse and recreation at Gulgong (notified 22 July 1960) and any additions thereto, now identified by the number D520071 in the records of the Department of Land and Water Conservation	g Racecourse Reserve Trust
lah	de Racecourse Reserve	6 for racecourse (notified 31 October 1964) and any additions thereto	lah Racecourse Reserve Trust
on	on Park	ectares dedicated for the purpose of recreation (notified 16 July 1904) and any additions thereto, now assigned the number 12 in the records of the Department of Land and Water Conservation	on Park Trust
	oala Reserve	72 for environmental protection (notified 13 December 1991) and any additions thereto	oala Reserve Trust
	ark Reserve	0 for caravan and camping park (notified 4 June 1976) and any additions thereto	aravan Park Trust
l	n Waters State Park	341 for public recreation (notified 1 July 1977) and any additions thereto	n Waters State Park Trust
l	owigall Bushland Reserve	9 for public recreation and conservation of native flora (notified 6 July 1976) and any additions thereto	owigall Bushland Reserve Trust
l	l Pioneer Village Reserve	5 for museum (notified 14 November 1964) and any additions thereto	l Pioneer Village Reserve Trust
l	l Speedway Reserve	4 for public recreation (speedway) (notified 25 October 1985) and any additions thereto	l Speedway Reserve Trust
lba- Jenolan	ot Track Heritage Reserve	056 for environmental protection, conservation purposes and public recreation (notified 27 February 1998) and any additions thereto	ot Track Heritage Reserve Trust

ce	ce Recreation Reserve	2 for public recreation (notified 8 983) and any additions thereto	ce (R.96692) Recreation Trust
v	g Reserve	ectares dedicated for public recreation; gow (notified 14 March 1881) and any is thereto, now assigned the number 14 in the records of the Department of id Water Conservation	g Reserve Trust
n	weyah Foreshore Reserve	1 for public recreation and ation of native flora (notified 5 March and any additions thereto	weyah (R. Foreshore Trust
t	ock Dam Recreation Reserve	20 for public recreation (notified 2 1990) and any additions thereto	ock Dam ion Reserve
oran	oran Racecourse Reserve	5 for racecourse (notified 10 March and any additions thereto	oran urse Trust
e Beach	e Beach Reserve	3 for resting place and public on (notified 23 November 1934) and litions thereto	e Beach Public ion Reserve
e	e Memorial Combined Sports	7 for showground, race-course and ecreation (notified 3 October 1958) r additions thereto	e Combined ound Trust
l	long Arboretum	82 for arboretum (notified 22 June and any additions thereto	long um Trust
l	urrendong State Park	355 for public recreation (notified 1 97) and any additions thereto	urrendong ark Trust
cca Heads	od Park Reserve	4 for public recreation (notified 15 955) and any additions thereto	cca Heads od Park e Trust
cca Heads	nd Reserve	1 for resting place and public on (notified 3 March 1933) and any is thereto	cca Heads l1) Headland e Trust
cca Heads	e 69215	5 for public recreation and access d 10 May 1940) and any additions	cca Heads l5) Swimming Reserve Trust
cca Heads	e 85113	3 for public recreation (notified 20 ber 1964) and any additions thereto	cca Heads l3) Public ion Reserve

cca Heads	Island Reserve	6 for public recreation (notified 22 955) and any additions thereto	cca Heads Island Reserve
cca Heads	uing Creek Reserve	6 for public recreation (notified 22 1958) and any additions thereto	cca Heads)6) Swimming ublic ion Reserve
cca Heads	Valley Recreation Reserve	1 for public recreation and ation of native flora (notified 29 June nd any additions thereto	cca Heads)1) Public ion Reserve
i Boyd	i Boyd Reserve	8 for public recreation and public hall d 11 March 1977) and any additions	i Boyd Hall e Trust
ida	igne Recreation Reserve	8 for public recreation (notified 22 ber 1968) and any additions thereto	igne (R.86968) Recreation e Trust
ida	ville Public Recreation e	4 for public recreation (notified 25 1967) and any additions thereto	ville (R.86394) Recreation e Trust
ida	ida Recreation Reserve	5 for public recreation (notified 7 ber 1979) and any additions thereto	ida (R.91555) Recreation e Trust
ida	am Recreation Reserve	7 for public recreation (notified 15 ber 1978) and any additions thereto	am (R.91347) Recreation e Trust
	Showground	ectares dedicated for showground at (notified 9 September 1899) and any is thereto, now assigned the number 30 in the records of the Department of id Water Conservation	Showground
	Tablelands Heritage Lands e	2 for public recreation (notified 20 y 1959) and R.190027 for public on (notified 30 January 1987) and any is thereto	Tablelands e Lands Trust
	Memorial Reserve	9 for public recreation (notified 3 936) and any additions thereto	R.65909) e Trust
	Racecourse	hectares dedicated for racecourse at (notified 1 July 1873) and any is thereto, now assigned the numbers	Racecourse

50 and D590136 in the records of the Department of Land and Water Conservation

a	a Recreation Reserve	4 for showground and public recreation (notified 9 May 1986) and any additions thereto	a Recreation Showground (R. Reserve Trust
	Racecourse Reserve	3 for racecourse (notified 13 February 1948) and any additions thereto	Racecourse Reserve Trust
Bill	Bill Showground	1.5 hectares dedicated for showground at Bill (notified 19 October 1894) and any additions thereto, now assigned the number D590136 in the records of the Department of Land and Water Conservation	Bill Showground Trust
	Native Flora and Fauna Reserve	4 for promotion of the study and the conservation of native flora and fauna (notified 4 August 1978) and any additions thereto	Native Flora and Fauna Reserve Trust
a	a Sports Ground	1.5 hectares dedicated for racecourse and recreation at Quaama (notified 31 March 1947) and any additions thereto, assigned the number D580101 in the records of the Department of Land and Water Conservation	a Sports Ground Trust
li	li Racecourse Reserve	8 for showground, race-course and recreation (notified 21 May 1948) and any additions thereto	li Racecourse Reserve Trust
ck	ck Recreation Reserve	6 for public recreation and resting place (notified 14 September 1934) and any additions thereto	ck Public Recreation Reserve
tters Bay	id Martin Reserve	76 for public recreation and maritime recreation (notified 16 January 1987) and any additions thereto	tters Bay Reserve
ie	e Gully Reserve	13 for environmental protection (notified 19 August 1994) and any additions thereto	e Gully Reserve Trust
	ee Creek Park	5 for public recreation (notified 10 March 1964) and any additions thereto	ee Creek Park Trust
	lenbawn State Park	137 for public recreation (notified 1 March 1977) and any additions thereto	lenbawn State Park Trust
Head	Head Reserve	3 for resting place and public recreation (notified 8 May 1936) and any additions thereto	Head Reserve Trust

rbour	State Park	39 for public recreation (notified 197) and any additions thereto	State Park
rth	leepit State Park	38 for public recreation (notified 197) and any additions thereto	leepit State Trust
	Showground	ectares dedicated for showground at (notified 10 September 1886) and litions thereto, now assigned the D620071 in the records of the nent of Land and Water Conservation	Showground
ield	ield Showground	ectares dedicated for showground at ield (notified 28 January 1879) and litions thereto, now assigned the s D510045 to D510048 in the records Department of Land and Water vation	ield ound Trust
	Caravan Park and Recreation	16 for public recreation, caravan and g park (notified 5 February 1988) and litions thereto	Caravan Park reation Trust
ton	ton Regional Reserve	07 for rural services, public on, environmental protection (notified 1992) and any additions thereto	ton Regional (R.110107) Trust
la	la Wildflower Reserve	5 for preservation of native flora d 24 December 1981) and any is thereto	la Wildflower Trust
	Heads Caravan Park	2 for public recreation (notified 1960) and any additions thereto	Street Reserve
each	each Recreation Reserve	7 for public recreation (notified 16 6er 1960) and any additions thereto	each 57) Public ion Reserve
	Tennis Courts Reserve	2 for tennis courts (notified 11 ber 1960) and any additions thereto	Tennis Courts Trust
Flat	Flat Recreation Reserve	05 for environmental protection and ecreation (notified 24 December nd any additions thereto	Flat Heritage Trust
sper	digbee and Goobarragandra s	8 for public recreation (notified 27 28), R.130005 to 130010 for public on (notified 12 December 1986), 64 for public recreation (notified 14 93), R.87128 for preservation of	digbee and ragandra s Trust

		notified 3 April 1969) and R.220011 public recreation (notified 20 March and any additions thereto	
um	um Showground	ectares dedicated for showground at um um (notified 15 July 1884) and any ound Trust is thereto, now assigned the number 34 in the records of the Department of id Water Conservation	
oolga	oolga Beach and Lakes e	6 for resting place and public oolga Beach on (notified 27 November 1931) and e Trust ditions thereto	
Lake	Lake Flora and Fauna Reserve	2 for public recreation and Lake Flora and ation of native flora and fauna Reserve Trust d 30 August 1968) and any additions	
	uck Waters State Park	340 for public recreation (notified 1 uck Waters 97) and any additions thereto ark Trust	
	Showground	5 hectares dedicated for Showground Showground ig (notified 6 April 1895) and any is thereto, now assigned the number 11 in the records of the Department of id Water Conservation	

Part 2 - Reserves for crematoriums, general cemeteries or portions of general cemeteries

Botany Cemetery Eastern Suburbs Crematorium Field of Mars Catholic Cemetery Field of Mars General Cemetery, Baptist Portion Field of Mars General Cemetery, Church of England Portion Field of Mars General Cemetery, Uniting Church Portion Field of Mars General Cemetery, Presbyterian Portion Field of Mars Independent (Congregational) Cemetery Frenchs Forest General Cemetery Liverpool General Cemetery, Baptist Portion Liverpool General Cemetery, Catholic Portion Liverpool General Cemetery, Church of England Portion Liverpool General Cemetery, Muslim Portion Liverpool General Cemetery, Presbyterian Portion Liverpool General Cemetery, Seventh-day Adventist Portion Liverpool General Cemetery, Uniting Church Portion Northern Suburbs General Cemetery Sandgate General Cemetery Woronora General Cemetery

Historical notes

Table of amending instruments *Crown Lands (General Reserves) By-law 2001* published in Gazette No 132 of 31.8.2001, p 7354 and amended as follows: *Statute Law (Miscellaneous Provisions) Act (No 2) 2001 No 112* . Assented to 14.12.2001. Date of commencement of Sch 2.14, assent, sec 2 (2). *Cemeteries Legislation Amendment (Unused Burial Rights) Act 2001 No 122* . Assented to 19.12.2001. Date of commencement, 1.2.2003, sec 2 and GG No 14 of 17.1.2003, p 221. *Crown Lands (General Reserves) Amendment (Unused Burial Rights) By-law 2003* (GG No 14 of 17.1.2003, p 285)
Table of amendments

1 No 122, Sch 2. Am 17.1.2003.

B l.2003.

1 No 122, Sch 2. Am 17.1.2003.

01 No 112, Sch 2.14 [1] [2].