

# CUSSEN MEMORIAL, BOROONDARA GENERAL CEMETERY



CUSSEN MEMORIAL,  
BOROONDARA GENERAL  
CEMETERY SOHE 2008



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h02036 1cussen memorial  
boroondara cemetery



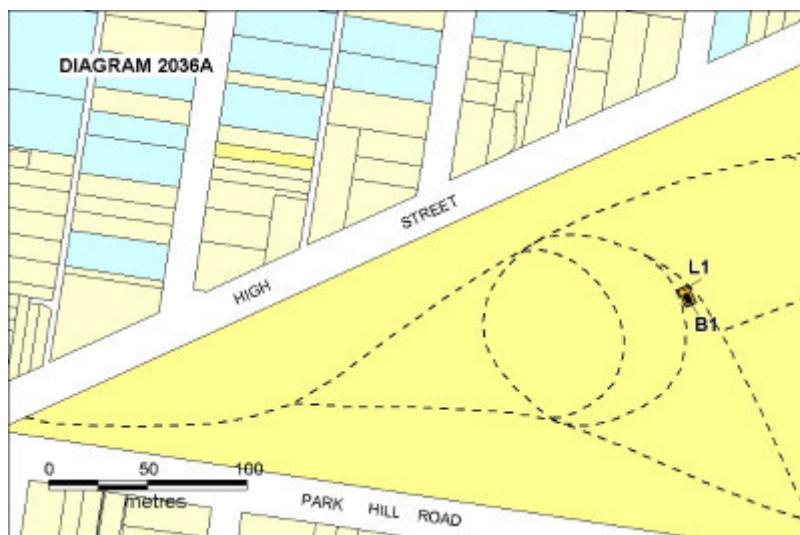
h02036 cussen memorial  
boroondara cemetery kew



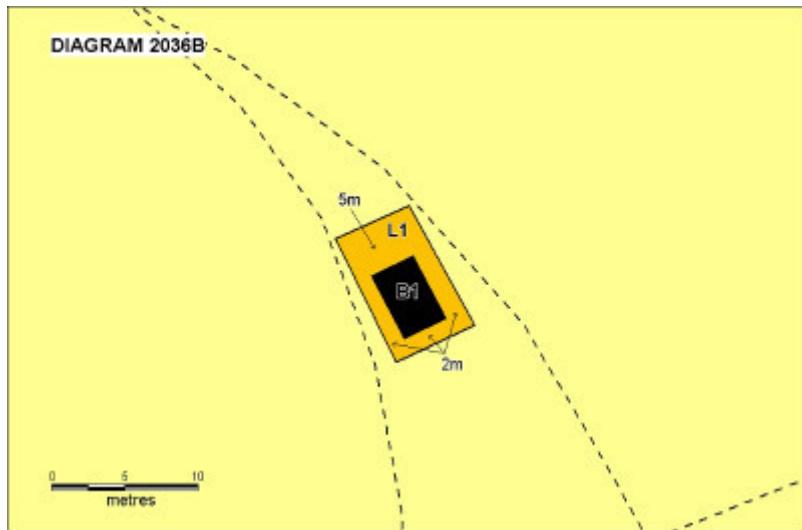
h02036 cussen memorial  
boroondara cemetery kew  
side



h02036 cussen memorial  
boroondara cemetery kew2



h02036 plana



h02036 planb

## Location

430-440 HIGH STREET KEW, BOROONDARA CITY

## Municipality

BOROONDARA CITY

## Level of significance

Registered

## Victorian Heritage Register (VHR) Number

H2036

## Heritage Overlay Numbers

HO64

## VHR Registration

November 13, 2003

## Heritage Listing

Victorian Heritage Register

## Statement of Significance

Last updated on - November 24, 2003

### What is significant?

The Cussen Memorial is a mausoleum located within the Roman Catholic section of the Boroondara General Cemetery, Kew (VHR0049). The sandstone memorial is built in the Gothic Revival style in the form of a small chapel with carvings, diamond shaped roof tiles and decorated ridge capping embellishing the exterior. The memorial occupies a landmark position within the Cemetery. The Cussen Memorial was constructed in 1912-13 by Leo Cussen in memory of his son Hubert. Leo Cussen (later Sir Leo) was appointed to the bench of the Supreme Court of Victoria in 1906, where he displayed the qualities which were to mark him, in the words of Sir Owen Dixon, as the 'greatest of all judges', combining legal expertise with great humanity and practicality. Sir Leo was considered by Sir Robert Menzies as 'one of the great judges of the English speaking world'. In addition to his duties as a judge, Leo Cussen accepted responsibility for the consolidations of the Victorian Acts of Parliament, which took place in 1915, and again in 1929. In 1922, after four years of labour over centuries of English legislation, he presented to the Victorian Parliament the Bill for the Imperial Acts Application Act, which was passed without amendment.

The architect for the Memorial was WP Conolly of the firm Kempson and Conolly. Conolly was one of the most prominent architects designing Catholic churches in Melbourne in the late nineteenth and early twentieth centuries. Cussen's choice of architect for the memorial reflects his Catholic connections in Melbourne. In 1930, Conolly was asked by Lady Cussen to make alterations to the Cussen Memorial to allow for additional tombs. In spite of being built initially for Hubert Cussen, the Memorial has been strongly associated with Sir Leo Cussen since his burial there in 1933 and is often referred to as the Leo Cussen Memorial.

### How is it significant?

The Cussen Memorial is of architectural and historical significance to the State of Victoria

### Why is it significant?

The Cussen Memorial is of architectural significance as a fine example of an early twentieth century mausoleum in the Gothic style, designed by WP Conolly, one of the most prominent architects designing Catholic churches in Melbourne in the late nineteenth and early twentieth centuries.

The Cussen Memorial is of historical significance for its association with Sir Leo Cussen, justice of the Supreme Court of Victoria from 1906 to 1933, a highly popular and respected judge, legal educator and scholar, who was responsible for the consolidation of Victoria's statutes in 1915 and 1929 and the consolidation of over 7000 English Acts applicable in Victoria in the Imperial Acts Application Act of 1922.

## Permit Exemptions

### General Exemptions:

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

**Places of worship:** In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must [notify](#) the Executive Director of Heritage Victoria before you start the works or activities at least 20 business days before the works or activities are to commence.

**Subdivision/consolidation:** Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director of Heritage Victoria as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below.

Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

### Specific Exemptions:

General Conditions: 1. All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object. General Conditions: 2. Should it become apparent during further inspection or the carrying out of alterations that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such alteration shall cease and the Executive Director shall be notified as soon as possible. General Conditions: 3. If there is a conservation policy and plan approved by the Executive Director, all works shall be in accordance with it. General Conditions: 4. Nothing in this declaration prevents the Executive Director from amending or rescinding all or any of the permit exemptions. General Conditions: 5. Nothing in this declaration exempts owners or their agents from the responsibility to seek relevant planning or building permits from the responsible authority where applicable. General:

\* Interments, burials, reuse of graves, burial of cremated remains, and exhumation of remains in accordance with the Cemeteries Act 1958, and amendments.

\* Any necessary works for stabilisation or repair of the memorial

Construction dates	1912,
Architect/Designer	Conolly, W.P.,
Heritage Act Categories	Registered place,
Other Names	LEO CUSSEN MEMORIAL, BOROONDARA CEMETERY,
Hermes Number	12624
Property Number	

### History

The Cussen Memorial is a mausoleum located within the Roman Catholic section of the Boroondara Cemetery, a site of 31 acres in the suburb of Kew. The land for Boroondara Cemetery was set aside for a cemetery in 1855 and was laid out according to the Religious Census figures for the area for 1857. This resulted in an allocation of nine acres for the Church of England as the predominant affiliation, the Church of Rome (Catholic Church) the next largest group, receiving three acres. Colonists had brought with them from England the tradition of separate burial places for different denominations, since there, for example, the Dissenters did not wish to be buried within the grounds of the Established Church.

#### Mausoleums

A mausoleum is a large tomb; usually a stone building with places for entombment of the dead above ground. In the United States the term mausoleum is used loosely to describe any sepulchral building above the surface of the ground. (Merriam-Webster Dictionary)

A building with vaults for the entombment of a number of bodies (Webster's NewWorld Dictionary)

#### HISTORY OF PLACE

The Cussen Memorial was constructed in 1912-13 by Leo Cussen in memory of his son Hubert. Leo Cussen (later Sir Leo) was born in Portland in 1859, and was educated at Hamilton College and the University of Melbourne, first studying engineering. After working as an engineer with Victorian Railways, he returned to the University in 1884 and by 1887 had obtained the degrees of Bachelor of Arts, Master of Arts, and Bachelor of Laws. In 1886 Leo Cussen was called to the Victorian Bar. For twenty years he practised as a highly successful member of the junior Bar. He did not become a Queen's Counsel, a situation that was not unusual for leaders at the Bar in those days. Leo Cussen was appointed to the bench of the Supreme Court of Victoria in 1906, where

he displayed the qualities which were to mark him, in the words of Sir Owen Dixon, as the 'greatest of all judges'. He combined legal expertise with great humanity and practicality. Sir Leo was considered by Sir Robert Menzies as "one of the great judges of the English speaking world".

In addition to his duties as a judge, Leo Cussen accepted responsibility for the consolidations of the Victorian Acts of Parliament, which took place in 1915, and again in 1929. (Australian Dictionary of Biography, vol. 8, 1891-1939, pp 184-5) In 1922, after four years of labour over centuries of English legislation, he presented to the Victorian Parliament the Bill for the Imperial Acts Application Act, which was passed without amendment. In that same year Leo Cussen received his knighthood for 'invaluable service to his country'.

Sir Leo Cussen's place in the legal history of Victoria is well-known. His name is commemorated in the Sir Leo Cussen Chair of Law at Monash University founded in 1964 and the Leo Cussen Institute, at the wish of the legal profession, was named in his honour.

The Leo Cussen Institute was established in 1972 by an Act of the Victorian Parliament under the auspices of the Law Institute of Victoria, the Victorian Bar Council, the University of Melbourne and Monash University to provide 'continuing legal education for legal practitioners in Victoria and to perform certain functions in connexion with legal education'. It is the principal provider of continuing legal education and professional development programs in Victoria. Over time its brief has expanded to encompass the provision of training, both legal and skills based, to include the wider community.

Hubert was one of the six sons of Leo and Johanna Cussen. He died at the age of 14 and was buried in the Boroondara Cemetery on 5 May 1911. The construction of the memorial on behalf of Mr Justice Cussen was being discussed in the Minutes of the Cemetery Trust in July 1912. The Chapel was under construction in the latter part of 1912 and was completed in 1913. Hubert's remains were exhumed on 28 November 1913 and transferred to the Cussen Memorial on that date. (Boroondara Cemetery Minutes)

The architect for the Memorial was W.P. Conolly of the firm Kempson and Conolly. Conolly was one of the most prominent architects designing Catholic churches in Melbourne in the late nineteenth and early twentieth centuries. It is said that Sir Leo became interested in church architecture as the result of overseas travel in 1903. His choice of architect for the memorial reflects his Catholic connections in Melbourne. Conolly was responsible for the organ gallery at St Mary's, Kyneton (1892) and St Joseph's Catholic Church at Benalla (1907-08). While in sole practice, Conolly was responsible for the completion of Sacred Heart Church, St Kilda (1922) and the third church of St John's East Melbourne (1930). In partnership with G.W. Vanheems, Conolly was responsible for the completion of St Patrick's Cathedral (three spires and west porch remodelling) in 1936-40. In 1930, Conolly was asked by Lady Cussen to make alterations to the Cussen Memorial to allow for additional tombs.

In spite of being built initially for Hubert Cussen, the Memorial has been strongly associated with Sir Leo Cussen since his death and burial there in 1933 and is often referred to as the Leo Cussen Memorial.

## **Plaque Citation**

This fine Gothic Revival style mausoleum was designed by the architect W P Conolly and erected in 1912-13 in memory of his young son Hubert by Sir Leo Cussen, the popular and respected judge, educator and scholar.

## **Extent of Registration**

1. All the building within the Boroondara Cemetery known as the Cussen Memorial marked B1 on Diagram Number 2036A and 2036B held by the Executive Director.
2. All the land marked L1 on Diagram Number 2036A and 2036B held by the Executive Director .

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*This place/object may be included in the Victorian Heritage Register pursuant to the Heritage Act 2017. Check the Victorian Heritage Database, selecting 'Heritage Victoria' as the place source.*

*For further details about Heritage Overlay places, contact the relevant local council or go to Planning Schemes Online <http://planningschemes.dpcd.vic.gov.au/>*