

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

ISSN 1448-949X

4827



PERTH, FRIDAY, 24 NOVEMBER 2006 No. 195 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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CEMETERIES ACT 1986

LOCAL GOVERNMENT ACT 1995

SHIRE OF MURRAY

**PINJARRA CEMETERY
LOCAL LAW 2006**

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MURRAY

PINJARRA CEMETERY LOCAL LAW 2006

Under the powers conferred by the *Cemeteries Act 1986* as amended from time to time and the *Local Government Act 1995* as amended from time to time and all other powers enabling it, the Council of the Shire of Murray resolved on 31st August 2006 to make the “*Shire of Murray Pinjarra Cemetery Local Law 2006*”.

PART I—PRELIMINARY

- 1.1 Citation
- 1.2 Repeal
- 1.3 Interpretation

PART II—ADMINISTRATION

- 2.1 Powers and Functions of CEO
- 2.2 Appointment of Employees
- 2.3 Plans & Registers

PART III—RIGHTS OF BURIAL

- 3.1 Issue of a Grant
- 3.2 Rights of a Holder
- 3.3 Renewal of a Grant
- 3.4 Replacement of a Grant
- 3.5 Transfer of a Grant
- 3.6 Exercising the Rights of a Holder
- 3.7 Burial without a reservation

PART IV—APPLICATION FOR FUNERALS

Division 1—Applications

- 4.1 Application to Hold a Funeral
- 4.2 Certificate of Identification
- 4.3 Receipt of the Application for a Funeral

Division 2—Times for Funerals

- 4.4 Fixing Times for Funerals
- 4.5 Times for Burials

PART V—FUNERAL DIRECTORS

- 5.1 Directing a Funeral
- 5.2 Funeral Director’s Licence
- 5.3 Period of Licence
- 5.4 Responsibilities of Licence Holder
- 5.5 Cancellation of a Funeral Director’s Licence

PART VI—SINGLE FUNERAL PERMITS

- 6.1 Application for a Single Funeral Permit
- 6.2 Specifications & Details

PART VII—FUNERALS

Division 1—General

- 7.1 Requirements as to coffins
- 7.2 Funeral Processions

Division 2—Placement of Ashes

7.3 Directions to Place Ashes

Division 3—Burials

7.4 Depth & Dimension of Grave

7.5 Burying a Coffin

7.6 Re-Opening a Grave

7.8 Opening a Coffin

PART VIII—MONUMENTAL AND OTHER WORK

Division 1—Requirements of Individual Areas

8.1 Construction of Niche Walls, Ground Niches and Memorial Walls

8.2 Lawn Section

8.3 Niche Wall 1 and 2

8.3.1 Garden Niche wall

8.4 Native Garden Ground Niche

8.5 Garden Memorial Wall

8.6 Special Memorials

8.7 Australian War Graves

Division 2—Monumental Work

8.8 Carrying out Monumental Work

8.9 Application for Monumental Work

8.10 Obligations of Permit Holder

8.11 Operation of Work

8.12 Placement of Monumental Work

8.13 Specifications of Monumental Work

8.14 Supervision

8.15 Hours of Work

8.16 Monuments to be kept in Good Repair and Condition

Division 3—Flowers and Memorials on Monuments

8.17 Removal of Flowers and Memorials

8.18 Placing of Glass Domes and Vases

8.19 Plants and Trees

8.20 Use of Wood

PART IX—GENERAL

9.1 Removal of Sand, Soil or Loam

9.3 Vehicles

9.4 Animals

9.5 Fireworks or Firearms

9.6 Damaging and Removing Objects

9.7 Advertising

9.8 No Benefits or Gratuities

9.9 Littering and Damage

9.10 Disruption of Funeral Processions

9.11 Entry

9.12 Recording on Film or Videotape

9.13 Camping

9.14 Lighting Fires

9.15 Obeying Signs and Directions

9.16 Removal from a Cemetery

PART X—OFFENCES AND MODIFIED PENALTY

10.1 Powers of Authorised Officer

10.2 General

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MURRAY

PINJARRA CEMETERY LOCAL LAW 2006

PART I—PRELIMINARY

1.1 Citation

This Local Law may be cited as the *Shire of Murray Pinjarra Cemetery Local Law 2006*.

1.2 Repeal

The Local Law relating to the “Shire of Murray Cemeteries Local Laws”, as amended, published in the *Government Gazette* on 30th December 1999 are repealed.

1.3 Interpretation

In this Local Law unless the context requires otherwise—

“Act” means the Cemeteries Act 1986;

“ashes” means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

“Authorised Officer” means a person authorised by the local government to perform any of the functions of an authorised person under this Local Law;

“Board” means the Shire of Murray;

“Cemetery” means the Pinjarra Public Cemetery the care, control and management of which is vested in the Shire;

“CEO” means the Chief Executive Officer of the Shire;

“funeral” includes the burial and cremation of a dead body and all associated processions and ceremonials but does not include so much of a ceremonial that is solely a religious rite;

“Funeral Director” means a person, firm or company holding a current Funeral Director’s licence;

“Funeral Director’s licence” means a licence issued by the Board entitling the holder to conduct funerals at the Cemetery;

“grant” means an exclusive right of burial in a specified grave granted by the Board;

“grave” means a specified area of the Cemetery for burial;

“ground niche” means a specified area of the Cemetery for the placement of ashes not being a wall niche or a grave.

“guide dog” has the same meaning as is given to that expression in the Dog Act 1976;

“holder” in relation to a grant includes—

- (a) a person issued with a grant by the Board; and
- (b) a person for the time being appearing to the Board to be the holder of a grant;

“Local Law” means this Shire of Murray Pinjarra Cemetery Local Law 2006;

“Minister” means the Minister for Local Government and Regional Development;

“monument” includes a tombstone, vault, enclosure or other approved form of memorial;

“monumental work” when the term is used as an abstract noun shall include the erection, alteration or removal of or other working upon a monument on a grave;

“niche wall” means a building or construction wholly above ground level so constructed as to allow the disposition of ashes into a compartment in the wall or floor and being sealed from view;

“personal representative” means—

- (a) the administrator or executor of the estate of a deceased person;
- (b) person who, by law or practice, has the best right to apply for administration of the estate of a deceased person; or
- (c) the person having the lawful custody of a dead body;

“remains” means ashes or what remains of a dead body after burial;

“right of burial” means the right to use a specified area of a cemetery for burial;

“Shire” means the Shire of Murray; and

“set fee” refers to fees and charges set by the Shire from time to time and published in the *Government Gazette*.

1.4 Application of Particular Definitions

Unless the context otherwise requires, where a term defined in the Act is used in this Local Law then the term will have the same meaning given to it under the Act.

PART II—ADMINISTRATION

2.1 Powers and Functions of CEO

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the Cemetery.

2.2 Appointment of Employees

The Board may appoint support staff to administer and supervise work within the Cemetery and carry out such work as is required for the general care of the Cemetery.

2.3 Plans & Registers

(1) The Board shall establish and maintain a—

- (a) plan of the Cemetery showing the location and identifying number of every burial place or grave and the distribution of the land, compartments and sections;
- (b) register containing the identification numbers of graves and the names and description of the persons buried;
- (c) register of grants made with respect to the Cemetery; and
- (d) register of persons cremated whose ashes have been buried or disposed of in the Cemetery.

(2) The plans and registers referred to in subclause (1) will be open for public inspection at the Shire offices during normal business hours.

PART III—RIGHTS OF BURIAL

3.1 Issue of a Grant

(1) The Board may grant of right of burial to a person for a term of 25 years upon—

- (a) the written application of a person in the form prescribed by the Board; and
- (b) payment of the set fee.

(2) The Board may grant exclusive rights of burial in respect of more than one (1) grave to any person but shall not grant such rights in respect of more than five (5) graves to any one person.

3.2 Rights of a Holder

(1) Subject to this Part, to the prior approval of the Board and to the terms and conditions (if any) imposed by the Board a grant confers on the holder, during the term of the grant, an exclusive right to—

- (a) bury one or more dead bodies, or the ashes of one or more dead bodies in the grave or graves specified in the grant; and
- (b) arrange for the placing of a memorial plaque of the kind referred to in Part VIII on the grave or graves specified in the grant.

(2) The Board, in its absolute discretion, may determine from time to time the number of dead bodies or ashes which may be placed in a grave.

(3) The Board or an Authorised Officer may request a holder to produce the grant before the exercise of any of the rights referred to in subclause (1) and the holder shall forthwith comply with that request.

3.3 Renewal of a Grant

(1) The Board may renew the term of the grant issued under clause 3.1 for a further period of 25 years commencing on the expiry of the initial grant, at any time during the term of the grant upon—

- (a) written application by the holder of the grant on the prescribed form; and
- (b) payment of the set fee.

(2) Where a grant has been renewed under subclause (1) and the holder, within 6 months before or after the expiry date of the grant—

- (a) makes a written application on the prescribed form; and
- (b) pays the set fee,

the Board may in its absolute discretion renew the grant for a further period of up to 25 years from the date of expiry, or refuse the application and deal with the grave the subject of the original grant as it sees fit from the date of expiry.

3.4 Replacement of a Grant

(1) The Board may issue a new grant to replace a lost, stolen or destroyed grant upon—

- (a) written application by the holder of the grant; and

- (b) production of evidence which satisfies the Board the grant has been lost, stolen or destroyed, including a statutory declaration on the prescribed form.

3.5 Transfer of a Grant

A holder's rights under a grant can only be transferred to another person upon registration of the transfer with the Board on the prescribed form.

3.6 Exercising the Rights of a Holder

(1) Where a person who is not the holder of a grant seeks authority from the Board to exercise the rights conferred on the holder of such grant that person must provide to the Board—

- (a) a statutory declaration to the effect that he/she has the right to exercise such rights and knows of no other person having a prior or equal right or in the case of a Funeral Director that he/she has the permission of the holder or other person entitled to the grave; and

(2) If the Board is satisfied on the basis of the written evidence provided by the person referred to in subclause (1) that the holder of the grant—

- (a) is unavailable;
- (b) is not immediately ascertainable; or
- (c) has died without bequeathing the grant by will

then the Board may authorise in writing that person being—

- (d) the holder's next of kin;
- (e) the holder's personal representative;
- (f) a person acting expressly on behalf of the holder's personal representative; or
- (g) where no one described in paragraphs (d), (e) or (f) is available or immediately ascertainable, any other person approved by the Board

to exercise, subject to any conditions imposed by the Board, the rights conferred on the holder.

3.7 Burial without a reservation

(1) Where a person wishes to bury a dead body, or the ashes of a dead body, in a grave as a second or later interment the Board may authorise the burial of that dead body or ashes in a specified grave upon—

- (a) written application on the prescribed form;
- (b) payment of the set fee; and
- (c) evidence to the satisfaction of the Board that the holder of the grant in respect of the grave in which the dead body is intended to be buried has consented to or would not object to the burial.

(2) Where a grave is allocated under subclause (1), the Board shall retain all rights and powers in respect of that grave, including the rights and powers to reopen the grave to—

- (a) disinter the remains buried in that grave and reinter them—
 - (i) in the same grave;
 - (ii) in another grave but within the Cemetery; or
 - (iii) elsewhere in accordance with the Act; and
- (b) bury other dead bodies.

PART IV—APPLICATION FOR FUNERALS

Division 1—Applications

4.1 Application to Hold a Funeral

(1) A person who wishes to hold a funeral within the Cemetery shall, in the case of the burial of a dead body—

- (a) make an application to the Board in the prescribed form; and
- (b) pay the set fee; and
- (c) in respect of an additional interment or burial pursuant to grant issued under clause 3.1, provide evidence to the satisfaction of the Board that the holder of the grant in respect of the grave in which the dead body is intended to be buried has consented to or would not object to the burial.

(2) All applications referred to in subclause (1) shall be accompanied by a—

- (a) certificate of identification in accordance with clause 4.2; and either
- (b) doctor's certificate for burial or disposal of the dead body; or
- (c) coroner's order for burial.

(3) All applications to hold a funeral must be lodged at the office of the Board in such time as to permit at least twenty four (24) working hours notice to be given prior to the time requested to be fixed for the funeral.

(4) All applications to hold a funeral on a Saturday must be lodged at the office of the Board during working hours no later than twenty four (24) working hours before the funeral unless a later time is approved by the Board.

4.2 Certificate of Identification

(1) After a dead body is placed in a coffin and prior to a dead body being removed to the Cemetery, a person who personally knew the deceased shall identify the dead body and shall complete the form prescribed by the Board, unless—

- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.

(2) Where—

- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body,

then the Funeral Director shall complete the form prescribed by the Board from time to time for that purpose.

4.3 Receipt of the Application for a Funeral

Upon receipt of a properly completed application form in accordance with clause 4.1 and all other things required by this Part, the Board shall—

- (a) fix a time for the funeral; and
- (b) prepare any grave that is required.

Division 2—Times for Funerals

4.4 Fixing Times for Funerals

The time fixed for a funeral is at the discretion of the Board but subject to this Part will be as near as possible to the time requested by the applicant.

4.5 Times for Burials

(1) A person shall not carry out a burial—

- (a) on Christmas Day;
- (b) on Good Friday; or
- (c) at any time, other than during the following days and hours—

Monday to Friday	—	9.00am to 11.30am; and
		1.30pm to 2.30pm
Saturday, Sundays and Public Holidays	—	8.30am to 11.00am

except with the written permission of the Board or an Authorised Officer.

(2) The Board may, by notice displayed at the Shire offices and at the Cemetery at least one week before a Public Holiday close the Cemetery on that Public Holiday and where a Cemetery is so closed no funeral may take place within it, except with the written permission of the Board.

PART V—FUNERAL DIRECTORS

5.1 Directing a Funeral

A person must not direct a funeral within the Cemetery or otherwise make use of the Cemetery for any purpose connected with directing a funeral unless that person is—

- (a) a Funeral Director who holds a Funeral Director's licence or a single funeral permit;
- (b) an employee of a Funeral Director who holds a Funeral Director's licence or a single funeral permit; or
- (c) the holder of a single funeral permit issued in accordance with Part VI.

5.2 Funeral Director's Licence

(1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee, issue to the applicant a Funeral Director's licence authorising the holder to direct funerals within the Cemetery at such times and on such days and subject to such conditions as the Board shall specify and in compliance with the provisions of this Part.

(2) If the application referred to in subclause (1) is approved by the Board, the Board shall issue to the applicant a licence in a suitable form prescribed by the Board from time to time.

(3) Any person who is the holder of a current Funeral Director's licence may apply for a new licence for the then following year by lodging with the Board an application in writing, and payment of the set fee.

5.3 Period of Licence

A Funeral Director's licence—

- (a) is valid from the date specified in the licence until the 30th day of June next following the date of commencement of the licence or until the licence is determined pursuant to clause 5.5, whichever occurs sooner; and
- (b) is not transferable.

5.4 Responsibilities of Licence Holder

The licensee shall be responsible for the compliance by every person purporting to be authorised to direct a funeral within the Cemetery pursuant to that licence with—

- (a) all the requirements of—
 - (i) the licence,
 - (ii) this Part;
 - (iii) the Act; and
- (b) all conditions imposed by the Board in respect of that licence.

5.5 Cancellation of a Funeral Director's Licence

(1) The Board may, by notice in writing to the holder of a Funeral Director's licence, cancel the licence if—

- (a) the licensee or any employee of the licensee commits a breach of these Local Law, the Act, the Cremation Act 1921 or any of the conditions upon which the licence was issued;
- (b) in the opinion of the Board the conduct of the licensee or any employee of the licensee in directing or attempting to direct any funeral within the Cemetery is inappropriate or unbecoming;
- (c) the licensee has purported to transfer the licence issued to that holder;
- (d) the Funeral Director's licence was issued erroneously or in consequence of a false or fraudulent document, statement or representation;
- (e) the fee for the Funeral Director's licence is due and unpaid; or
- (f) the Board is no longer satisfied that the licensee—
 - (i) is of good repute and is fit to hold a Funeral Director's licence; or
 - (ii) has suitable facilities and equipment for handling and storing dead bodies and conducting funerals.

(2) Upon the cancellation of a licence pursuant to this clause, no part of any fee paid for the issue of that licence is refundable by the Board.

5.6 Appeal Rights

(1) Where the Board—

- (a) refuses an application for a licence; or
- (b) cancels or suspends a licence

the Board shall notify in writing the applicant or the person to whom the licence was issued of its decision and of the reasons for that decision.

(2) An aggrieved applicant or person whose licence has been cancelled or suspended may apply to the State Administrative Tribunal for a review of the decision of the Board.

PART VI—SINGLE FUNERAL PERMITS

6.1 Application for a Single Funeral Permit

The Board may upon application in the prescribed form, and payment of set fee, issue a single funeral permit authorising the holder to direct a funeral on the conditions specified in the permit and these Local Law.

6.2 Specifications & Details

Every application for a single funeral permit must include the following details—

- (i) coffin specifications; and
- (ii) details of the vehicle transporting the dead body to the grave site.

PART VII—FUNERALS

Division 1—General

7.1 Requirements as to coffins

No person shall bring a dead body or coffin into the Cemetery unless—

- (a) the Board has approved an application for burial of that dead body in accordance with Part IV or Part V1 of this Local Law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10mm in height.

7.2 Funeral Processions

(1) The applicant for a permit to hold a funeral will be required to pay a set penalty for a late procession and/or make an application for another time to be fixed by the Board if—

- (a) the funeral procession fails to arrive at the Cemetery at the time fixed by the Board for the funeral; or

- (b) the forms prescribed by this Local Law to hold and direct a funeral are not presented to an Authorised Officer at the Cemetery at the time fixed by the Board for the funeral.
- (2) Where a funeral procession fails to proceed to the grave site of the Cemetery within fifteen (15) minutes of arrival at the Cemetery, the applicant who applied to hold the funeral shall pay the set fee for being late.
- (3) Except with the prior approval of the Board, no funeral procession at the Cemetery shall include more than—
 - (a) one Funeral Director's hearse; and
 - (b) four (4) mourning coaches.

Division 2—Placement of Ashes

7.3 Directions to Place Ashes

- (1) A personal representative may apply to the Board in writing on the prescribed form for permission to dispose of ashes in the Cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods—
 - (i) Grave;
 - (ii) Niche Wall;
 - (iii) Native Garden Ground Niche;
 - (iv) Garden Memorial Wall;
 - (v) Special Monuments; or
 - (vi) Scattering to the Winds.
- (2) With the exception of an Authorised Officer, a person shall not place or otherwise dispose of ashes within the Cemetery.
- (3) An Authorised Officer may place ashes in the Cemetery if the—
 - (a) person requesting the placement of the ashes has the permission of the Board; and
 - (b) ashes are placed within an area set aside for that purpose by the Board.

Division 3—Burials

7.4 Depth & Dimension of Grave

- (1) Every grave must be dug at least 2.44 metres deep and no more than 2.5 metres deep at the first interment, unless otherwise approved by the Board.
- (2) Every grave must be dug at the dimensions of 1.2 metres x 2.4 metres for a single grave, or 2.4 metres x 2.4 metres for a double grave.

7.5 Burying a Coffin

- (1) No person shall bury a coffin within the Cemetery so that the distance from the top of the coffin to the original surface of the ground is—
 - (a) subject to paragraph (b), less than 750mm unless that person has the permission of an Authorised Officer; or
 - (b) less than 600mm in any circumstances.
- (2) The permission of the Authorised Officer in subclause (1)(a) will only be granted, where in the opinion of the Authorised Officer, exceptional circumstances require the granting of that permission.

7.6 Re-Opening a Grave

- (1) Subject to subclause (2), if for the purpose of re-opening a grave in the Cemetery the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.
- (2) If the Minister orders the exhumation of a body in accordance with section 59 of the Act, then the Minister may further order how and by whom the costs referred to in subclause (1) shall be paid.

7.7 Exhumation of a Coffin

- (1) A person shall not exhume a coffin in the Cemetery for the purposes of re-burial within twelve (12) months after the date of its interment, unless ordered or authorised pursuant to the Act.
- (2) Subject to subclause 1, prior to any other exhumation the holder of a grant must apply in writing to the Board requesting the exhumation and the Board must authorise the exhumation.

7.8 Opening a Coffin

- (1) A person must not open a coffin in the Cemetery unless—
 - (a) the coffin is opened for the purposes of the exhumation of a dead body in accordance with the provisions of clause 7.7; or
 - (b) that person has produced to the Board an order signed by the Commissioner of Police and the Board has approved the opening of that coffin.
- (2) In this clause—

“Commissioner of Police” means the Commissioner of Police for the time being appointed under the *Police Act 1892* and includes any person for the time being acting in that capacity in the absence of the Commissioner of Police.

PART VIII—MONUMENTAL AND OTHER WORK

Division 1—Requirements of Individual Areas

8.1 Construction of Niche Walls, Ground Niches and Memorial Walls

- (1) With the exception of the Board, no person shall construct a niche wall or place a ground niche within the Cemetery.
- (2) A niche wall must be—
 - (a) constructed of brick, stone, concrete or similar durable material;
 - (b) adequately ventilated and drained;
 - (c) vermin proof; and
 - (d) capable of being secured against entry by vandals or other unauthorised persons.
- (3) The number of burials in a niche wall must not exceed the number for which the niche wall was designed.

8.2 Lawn Section

- (1) Memorial plaques placed on a lawn plot on the concrete beam in the Cemetery must be—
 - (a) built of admiralty bronze or other material as approved by the Board or an Authorised officer; and
 - (b) 559 mm x 305 mm, for a single internment or double internment.
 - (c) 381 mm x 279 mm for a double internment only.
- (2) All monuments in the lawn section of the Cemetery must be—
 - (a) be contained wholly on the concrete beam established;
 - (b) be made of natural stone, unless otherwise approved by Council;
 - (c) comply with the following specifications—
 - (i) The overall height of the monument above the original surface of the grave shall not exceed 300 mm;
 - (ii) the length of the base of the monument shall not exceed a distance of 500 mm either side of the centre of the grave ie. a maximum of 1m in length;
 - (iii) the width of the base of the monument shall not exceed 280 mm;
- (3) A person shall not display any trade names or marks upon any monument or memorial plaque within the lawn section of the Cemetery.

8.3 Niche Wall 1 and 2

- (1) Memorial plaques placed on niche wall 1 and 2 in the Cemetery must be—
 - (a) built of admiralty bronze or other material as approved by the Board or an Authorised Officer; and
 - (b)
 - (i) for a single niche wall plaque be 177 x 114 mm; or
 - (ii) for a double niche wall plaque be 279mm x 121 mm.
- (2) At the expense of the grant holder a niche memorial plaque may be placed over the cavity in the wall.
- (3) Other than those monuments as provided for purchase by Board, the placement of monuments on niche walls is prohibited.

8.3.1 Garden Niche wall

- (1) Memorial plaques placed on the Garden Niche Wall in the Cemetery must be—
 - (a) built of granite matching the Garden Niche Wall or other material as approved by the Board or an Authorised Officer; and
 - (b)
 - (i) for a single niche wall plaque be 195mm x 195 mm x 15mm.
- (2) At the expense of the grant holder a niche memorial plaque may be placed over the cavity in the wall.
- (3) Other than those monuments as provided for purchase by Board, the placement of monuments on niche walls is prohibited.

8.4 Native Garden Ground Niche

- (1) Memorial plaques placed on a Native Garden Ground Niche in the Cemetery shall be—
 - (a) made of admiralty bronze or other material as approved by Board or its Authorised Officer; and
 - (b) 229 mm x 184 mm.
- (2) At the expense of the grant holder a ground niche memorial plaque may be placed on the concrete plinth.
- (3) Other than those monuments as provided by Board for purchase, the placement of monuments on or surrounding a ground niche is prohibited.

8.5 Garden Memorial Wall

- (1) Memorial Plaques placed on a Garden Memorial Wall in the Cemetery shall be—
 - (a) made of admiralty bronze or other material as approved by Board or its Authorised Officer; and
 - (b) 229 mm x 184 mm.

- (2) At the expense of the grant holder a garden memorial plaque may be placed on the Memorial Wall.
- (3) Other than those monuments as provided by Board for purchase at the grant holder's expense, the placement of monuments on or surrounding the Garden Memorial Wall is prohibited.

8.6 Special Memorials

- (1) Special memorials must only be placed in the Cemetery, upon the prior written approval of the Board.

8.7 Australian War Graves

- (1) Notwithstanding anything in these Local Law to the contrary, the Office of Australian War Graves—

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

Division 2—Monumental Work

8.8 Carrying out Monumental Work

- (1) A person shall not carry out monumental work upon a grave within a Cemetery—
- (a) unless the monumental work has first been approved by Board; and
 - (b) except in accordance with this Local Law and the plans and specifications first approved by the Board

8.9 Application for Monumental Work

- (1) The Board may issue to the Applicant a permit authorising the permit holder to carry out monumental work upon a particular grave upon—

- (a) written application in the prescribed form; and
- (b) payment of the set fee

on such conditions and such times and days as the Board may specify in the permit or in this Local Law.

- (2) All applications referred to in subclause (1) must be accompanied by the—
- (a) plans and specifications of the monument, including precise details of all words, designs and pictures intended to be inscribed upon or attached to the monumental work;
 - (b) written consent of the holder of the grant; and
 - (c) quoted cost of the proposed monumental work.
- (3) The Board may reject any application referred to in sub-clause (1) where it considers the proposed monumental works are inappropriate or unbecoming.

8.10 Obligations of Permit Holder

- (1) A person who carries out monumental work pursuant to a permit in a Cemetery must—
- (a) comply with this Local Law and the terms and conditions of the permit;
 - (b) use material of good quality;
 - (c) not use any plastic or epoxy based substances for the in-filling of inscriptions on headstones, tablets or any other monumental work;
 - (d) leave uncompleted monumental work in a safe and tidy condition;
 - (e) not place any rubbish, soil or any surplus material upon any grave; and
 - (f) upon completion of the works remove all surplus materials and leave the area neat and tidy.
- (2) An Authorised Officer may reject any material that is in the officer's opinion is poor quality and the person who brought such material into the Cemetery must remove it immediately.

8.11 Operation of Work

- (1) All material required in the erection or completion of any monumental work shall—
- (a) be prepared as far as practicable before being brought into a Cemetery; and
 - (b) be admitted at such entrances of a Cemetery and at such times as the Board or Authorised Officer may direct.

8.12 Placement of Monumental Work

A person shall not place monumental work in a Cemetery other than on proper and substantial foundations to the satisfaction of an Authorised Officer.

8.13 Specifications of Monumental Work

- (1) The display of any trade names or similar such inscription is prohibited on any monument within any section of the Cemetery.
- (2) All monuments must have attached or engraved, on the reverse side of the headstone, the plot number of where the monument is erected.

8.14 Supervision

- (1) All monumental work within the Cemetery shall be carried out in a professional manner subject to the direction and/or supervision of an Authorised Officer.

(2) All persons carrying out monumental work within the Cemetery shall forthwith comply with any direction given by an Authorised Officer in accordance with subclause (1).

8.15 Hours of Work

No person shall work within a Cemetery without the permission of the Board or an Authorised Officer—

- (a) other than during the days and hours specified in clause 4.5 (1)(c);
- (b) on Saturdays and Sundays; or
- (c) on public holidays.

8.16 Monuments to be kept in Good Repair and Condition

The grant holder must keep the grave the subject of the grant and all monuments upon it in good repair and condition.

Division 3—Flowers and Memorials on Monuments

8.17 Removal of Flowers and Memorials

- (1) An Authorised Officer will remove all withered flowers on Friday of each week and all faded and unsightly plastic or other artificial flowers and memorials on the last Friday of each calendar month.
- (2) No person shall place or affix by any method any wooden, metal, plastic or stone memorials or vases, statues or photographs, pots or other memorials within the Cemetery without the approval of an Authorised Officer.

8.18 Placing of Glass Domes and Vases

- (1) A person shall not place glass domes, vases or other grave ornaments—
 - (a) outside the perimeter of a grave in a Cemetery; or
 - (b) in an area of the Cemetery set aside by the Board as a lawn or memorial plaque section.

8.19 Plants and Trees

No person shall plant or place within pots any trees, shrubs or plants in the Cemetery without the prior approval of Board or an Authorised Officer.

8.20 Use of Wood

- (1) A person shall not place wooden fences, railings, crosses or other wooden erections within a Cemetery unless—
 - (a) the wooden material is a temporary marker; and
 - (b) the person has obtained the prior approval of the Board.

PART IX—GENERAL

9.1 Removal of Sand, Soil or Loam

- (1) No person shall remove sand, soil or loam from any portion of the Cemetery without the prior written permission of the Board.
- (2) No person shall place rubbish, soil or other debris upon any grave.

9.2 Work within the Cemetery

- (1) No person shall work within the Cemetery without the permission of the Board or an Authorised Officer.
- (2) All persons carrying out work within the Cemetery must comply with any direction given by an Authorised Officer, any person who fails to comply with this Part or a direction may be ordered to leave the Cemetery.
- (3) All persons carrying out work within the Cemetery must leave the Cemetery in a safe and tidy condition.

9.3 Vehicles

- (1) A person shall not drive a vehicle in the Cemetery—
 - (a) at a speed exceeding 15 kilometres per hour;
 - (b) in any manner likely to cause detriment to the safety of pedestrians or other users of the Cemetery;
 - (c) other than on those roads directed by an Authorised Officer to be used;
 - (d) other than in accordance with the directions of an Authorised Officer; or
 - (e) on any part which is not constructed as a roadway or parking area or designated by the Board as an area in which vehicles may be driven.
- (2) A person shall not stand or park a vehicle on any part of the Cemetery—
 - (a) if the standing or parking of vehicles on that part is prohibited at all times by a sign; or
 - (b) so as to cause an obstruction to or impede the flow of traffic.

9.4 Animals

- (1) A person shall not bring an animal into or permit an animal to enter or remain in the Cemetery, with the exception of a guide dog or hearing dog.

(2) The Board or an Authorised Officer may seize and remove any animal, other than a guide dog or hearing dog, found in the Cemetery.

9.5 Fireworks or Firearms

(1) A person shall not bring or discharge any fireworks within the Cemetery.

(2) A person shall not bring or discharge any firearms within the Cemetery, unless a member of the Defence Force discharging a firearm in the course of a military funeral.

In this clause, "Defence Force" has the same meaning as is given to that expression in the *Defence Act 1903*.

9.6 Damaging and Removing Objects

(1) Subject to subclause 2, a person must not damage, remove or pick any tree, plant, shrub or flower in the Cemetery or any other object or thing on any grave, niche, memorial or other property of the Board, without the prior permission of the Board.

(2) A person may remove withered flowers from a grave, niche or memorial, and the flowers must be placed in the receptacle provided by the Board.

9.7 Advertising

A person shall not carry on or advertise any trade, business or profession within the Cemetery without the prior written approval of the Board which consent may be granted subject to such conditions as the Board thinks fit.

9.8 No Benefits or Gratuities

A person employed by the Board shall not accept any gratuities or receive any financial benefit from any work undertaken within the Cemetery other than the remuneration or benefit paid or given to that person by the Board.

9.9 Littering and Damage

(1) A person must not—

- (a) break or cause to be broken any glass, ceramics or other material in or upon the Cemetery; or
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the Cemetery other than in a receptacle provided for that purpose.

9.10 Disruption of Funeral Processions

A person must not obstruct, hinder or disrupt a funeral procession or ceremony within the Cemetery or commit a nuisance disrespectful of the feelings and welfare of other users of the Cemetery.

9.11 Entry

A person must not enter or remain within the Cemetery other than during the hours between sunrise and sunset, except when using any cycleway or with the approval of the Board or an Authorised Officer.

9.12 Recording on Film or Videotape

(1) A person must not, without the prior approval of the Board, record on film or videotape any image or sound within the Cemetery.

(2) A person must not record on film or videotape a funeral or memorial within the Cemetery without the prior approval of the personal representative of the deceased person whose funeral or memorial is being recorded.

9.13 Camping

A person must not camp in or upon the Cemetery.

9.14 Lighting Fires

A person must not light a fire within the Cemetery without the prior approval of the Board.

9.15 Obeying Signs and Directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the Cemetery and any other lawful direction of an Authorised Officer.

9.16 Removal from a Cemetery

(1) Any person failing to comply with any provision of these Local Law or behaving in a manner, that in the opinion of the Board, CEO or an Authorised Officer, is inappropriate or unbecoming in the Cemetery may in addition to any penalty provided by these Local Law be ordered by the Board, CEO or Authorised Officer to leave the Cemetery.

PART X—OFFENCES AND MODIFIED PENALTY

10.1 Powers of Authorised Officer

(1) An Authorised Officer may and is authorised by the Board to—

- (a) carry into effect the provisions of these Local Law;
- (b) report to the Board on the effectiveness of these Local Law;
- (c) issue any infringement notices.

10.2 General

(1) A person who commits a breach of any provision of this Local Law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

10.3 Modified Penalties

- (1) The offences specified in the First Schedule are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in the First Schedule is set out in the fourth column of the First Schedule.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Second Schedule.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in the Third Schedule.

Schedule 1

Cemeteries Act 1986

Shire of Murray

MODIFIED PENALTIES

Item	Clause	Nature of Offence	Modified Penalty
1	8.10	Leaving uncompleted works in an untidy or unsafe condition.....	\$100
2	9.3	Excessive speed	\$100
3	9.3	Unauthorised use—driving of vehicles.....	\$100
4	9.4	Animal at large.....	\$100
5	9.7	Unauthorised advertising, and/or trading	\$100
6	9.9	Placing or dumping and removal of rubbish and surplus materials....	\$100
7	9.15	Disobeying sign or lawful direction	\$100

Schedule 2

Cemeteries Act 1986

Shire of Murray

INFRINGEMENT NOTICE

Infringement No:.....

Date:...../...../.....

To:.....
(surname) (given name)

Address:.....

Vehicle No:.....

Make:.....
Model:.....

Place:

Date: Time:.....am / pm

It is alleged that you have committed the following offence:

of the Shire of Murray Pinjarra Cemetery Local Law 2006

Other breach:.....

Officer's name	Officer's signature	Modified Penalty	\$
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If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the Shire Administration Centre, Shire of Murray, Pinjarra Road (PO Box 21, Pinjarra) 6208, within a period of 21 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matters is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Item	Clause	Nature of Offence	Modified Penalty
1	8.10	Leaving uncompleted works in an untidy or unsafe condition.....	\$100
2	9.3	Excessive speed.....	\$100
3	9.3	Unauthorised use—driving of vehicles	\$100
4	9.4	Animal at large	\$100
5	9.7	Unauthorised advertising, and/or trading.....	\$100
6	9.9	Placing or dumping and removal of rubbish and surplus materials	\$100
7	9.15	Disobeying sign or lawful direction.....	\$100

Schedule 3

Cemeteries Act 1986

Shire of Murray

WITHDRAWAL OF INFRINGEMENT NOTICE

Date:...../...../.....

To:..... Address:
 (surname) (given name)

Infringement
 Notice No:..... in respect of

Vehicle No:..... Make:
 Model:.....

Place:

Date: Time:.....am / pm

For the alleged offence of
 of the Shire of Murray Pinjarra Cemetery Local Law 2006

has been withdrawn.

The modified penalty of

- \$ * No further action will be taken
- * it is proposed to institute court proceedings for the alleged offence
- * delete as appropriate

Authorised Officer

Title:.....

Name:.....Signature:.....

The Common Seal of the Shire of Murray was hereunto affixed by authority of a resolution of Council in the presence of—

Dated: *To be confirmed*

NOEL H. NANCARROW, Shire President.

N. G. LEACH, Chief Executive Officer.

