



CEMETERIES LOCAL LAW

Adopted on 27th April 2000
Gazetted on 2nd June 2000
Amended on 25th January 2001
Amendment Gazetted on 23rd February 2001
Amended on 27th November 2008
Amendment Gazetted 12th December 2008
Amended by the Minister for Local Government & Gazetted on 1 July 2011
Amended by the Minister for Local Government on 23 December 2014 and Gazetted on 6 January 2015
Amended on 27 July 2017
Amendment Gazetted on 1 September 2017
Amended on 30 August 2018
Amendment Gazetted on 11 September 2018
Reviewed by Council in July 2021

Cemeteries Act 1986

SHIRE OF BRIDGETOWN-GREENBUSHES

CEMETERIES LOCAL LAW

Under the powers conferred by the *Cemeteries Act 1986* and by all other powers enabling it, the Council of the Shire of Bridgetown-Greenbushes resolved on the 30 August 2018 to make the following local law:

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2018*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Principal Local Law

The *Shire of Bridgetown-Greenbushes Cemeteries Local Law* as published in the *Government Gazette* on 2 June 2000 is referred to as the principal local law. The principal local law was amended and published in the *Government Gazette* on 23 February 2001, amended and published in the *Government Gazette* on 12 December 2008, amended and published in the *Government Gazette* on 1 July 2011 and amended and published in the *Government Gazette* on 6 January 2015. The principal local law is amended as follows –

1.4 Interpretation

(1) In this local law unless the context otherwise requires:

“**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;

“**Assistance animals**” has the same meaning as in the *Disability Discrimination Act 1992*;

“**Authorised officer**” means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

“**Board**” means the Shire of Bridgetown-Greenbushes;

“**Cemetery**” means any cemetery which the Governor by order has vested under the care, control and management of the Board.

“**CEO**” means the chief executive officer for the time being, of the Board;

“**Coffin**” means a coffin or other receptacle used for the transportation of a dead body to the grave site;

“Cremation urn” means a container used for holding the remains of a dead body after the due processes of cremation;

“Disability” has the same meaning as in the *Disability Discrimination Act 1992*;

“Funeral Director” means a person holding a current funeral director’s licence;

“Headstone” means a memorial designed for placement at the head of a grave in the lawn section of a cemetery, commemorating a grave or the placement of ashes;

“Memorial” has the meaning set out in the Act and includes a headstone, memorial plaque and monument;

“Memorial plaque” means a panel, plate or tablet designed or used for purposes of bearing commemorative inscription;

“Monument” means a tombstone, sculpture, statute or other form of memorial approved by the Board commemorating a grave or the placement of ashes, other than a headstone;

“Monumental mason” means a person holding a current monumental mason’s licence;

“Personal representative” means the administrator or executor of an estate of a deceased person;

“Set fee” refers to fees and charges set by a resolution of the Board and published in the Government Gazette, under section 53 of the Act;

“Single funeral permit” means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit;

“Vehicle” includes every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise (and includes a bicycle and a skateboard).

- (2) Unless otherwise defined herein the terms and expressions used in this local law are to have the meaning given to them in the Act.

PART 2 - 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 cemeteries within the Shire of Bridgetown-Greenbushes.

2.2 Plans and Registers

- (1) The Board shall establish and maintain:
 - (a) A plan of each cemetery showing the location of areas set aside for burials and placement of ashes;
 - (b) a register containing the identification numbers of graves and the names and description of the persons buried;

- (c) a register of grants made with respect to each cemetery; and
 - (d) a register of persons cremated whose ashes have been buried or disposed in each cemetery.
- (2) The plans and registers referred to in sub-clause (1) shall be open for inspection by members of the public during normal office hours of the Board.

PART 3 - APPLICATION FOR FUNERALS

3.1 Application for Burial

- (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) is to be accompanied by the set fee.

3.2 Applications to be Accompanied by Certificates etc

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

3.3 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 a certificate of identification in the form determined by the Board from time to time, 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) A Funeral Director shall complete a certificate in the form determined by the Board from time to time, 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,

3.4 Minimum Notice Required

All bookings to hold a funeral shall be made with the Board not less than two (2) working days prior to the time proposed for burial on the application otherwise an extra charge may be made.

3.5 Fixing Times for Funerals

On receipt of a properly completed application form and the satisfaction of all other requirements of the Act and this local law the Board may fix the time for a funeral.

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

3.6 Times for Burials

A person shall not carry out a burial:

- (a) on a Saturday, a Sunday or a public holiday; or
- (b) at any time other than between the hours 9.00am to 3.00pm; except with the permission of the Board.

PART 4 - FUNERAL DIRECTORS

4.1 Funeral Director's Licence Expiry

A funeral director's licence shall expire on the 30 of June in each year.

4.2 Single Funeral Permits

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.3 Application Refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5 - FUNERALS

Division 1 - General

5.1 Requirements for Funerals and Coffins

A person shall not bring a dead body into the cemetery unless:

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 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 10 mm in height.

5.2 Funeral Processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates.

5.3 Vehicle Entry Restricted

(1) Subject to clause 5.3(2), a funeral procession shall enter by the principal entrance of the cemetery and no shall enter the cemetery except:

- (a) the hearse;
- (b) official mourning coaches;
- (c) a vehicle carrying or transporting a person with a disability;
- (d) a device or equipment used to transport, carry or handle a coffin; and
- (e) a pram, baby carriage, stroller or a similar device.

(2) This clause does not apply to a vehicle approved by the CEO or authorized person.

5.4 Vehicle Access and Speed Limitations

Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.

5.5 Offenders may be Expelled

A person committing an offence under clause 5.4 may be expelled from the cemetery by the CEO or an authorised officer.

5.6 Conduct of Funeral by Board

When conducting a funeral under section 22 of the Act the Board may:

- a) require a written request for it to conduct a funeral to be lodged with it;
- b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- d) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;
- f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

Division 2 - Placement of Ashes

5.7 Disposal of Ashes

(1) The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the 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:

Niche Wall
Memorial Rose, Tree or Shrub

Family Grave
Scattering in an area approved by the Board
Memorial Gardens
Other memorials approved by the Board

- (2) Subject to sub-clauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided:
 - (a) the person requesting the placement of the ashes has the permission of the Board; and
 - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6 - BURIALS

6.1 Depth of Graves

- (1) A person shall not 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) in any circumstances less than 600mm.
- (2) The permission of the authorised officer in sub-clause (1) (a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

PART 7 - MEMORIALS AND OTHER WORK

Division 1 - General

7.1 Application for Monumental Work

- (1) Upon the written application of a person on the prescribed form and payment of the set fee, the Board may issue to that person a permit to carry out monumental work on a grave specified in an application on the days, at the times and subject to the conditions specified by the Board.
- (2) An application referred to in sub-clause (1) shall be accompanied by:
 - (a) plans and specifications of the proposed monumental work, including precise details of all words, designs and pictures intended to be inscribed on or attached to the monumental work;
 - (b) If the applicant is not a holder of a grant in respect of a grave on which the work is to be carried out, the written consent of the holder or authorised representative.

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations as determined by the Board.

7.3 Removal of Rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of Work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of Sand, Soil or Loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of Work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished Work

Should any work by masons or others be not completed before 6pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of Wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave without the prior approval of the Board.

7.9 Plants and Trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Australian War Graves

Notwithstanding anything in this 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.

7.12 Placing of Glass Domes and Vases

A person shall not place glass domes, vases or other grave ornaments:

- (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act; or
- (b) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

Division 2 – Specifications and Materials for Memorials

7.13 Numbering of Monuments

Any monument for a grave coming into the Cemetery is to have the grave number inscribed in the foot kerb or on the bottom left or right hand corner of the headstone.

7.14 Specification of Monuments

- (1) All monuments in a cemetery shall:
 - (a) be made of natural stone; and
 - (b) be placed upon a base of natural stone; and
 - (c) comply with the following specifications:
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 450mm;
 - (iii) the width of the base of the monument shall not exceed 1.20m;
 - (iv) the length of the base of the monument shall not exceed 2.4m; and
 - (v) the depth of the base of the monument shall not exceed 300mm; and
 - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.

7.15 Headstones

- (1) A headstone shall:
 - (a) be made of natural stone;
 - (b) be placed on a base of natural stone;
 - (c) comply with the following specifications:
 - (i) the height of the base of the headstone above the highest point of the original surface of the grave shall not be less than 150mm nor more than 200mm;
 - (ii) the overall height of the headstone, including the base, shall not exceed 1.2m;
 - (iii) the length of the base of the headstone measured across the width of the grave shall not exceed 1m;
 - (iv) the width of the base of the headstone shall not exceed 300mm; and
 - (v) that part of a headstone above its base shall not extend horizontally beyond that base.
- (2) Subject to sub-clause (3) a memorial plaque may be attached to a headstone erected or being erected within a cemetery.
- (3) The provisions of clause 7.16 apply to a memorial plaque that is attached to a headstone.

7.16 Specification of a Memorial Plaque

- (1) All memorial plaques placed in a memorial plaque section of the cemetery shall:
 - (a) be made of admiralty bronze or any other material approved by the Board; and
 - (b) not be less than the dimensions 140mm x 110mm, nor more than 560mm x 305mm; and
- (2) All memorial plaques made of admiralty bronze shall:
 - (a) not exceed 20mm in thickness; and
 - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall:
 - (a) not exceed 50mm in thickness placed upon a base mounting approved by the Board; or
 - (b) not be less than 100mm in thickness if it is not to be placed upon a base mounting.

Division 3 - Licensing of Monumental Masons

7.17 Monumental Mason'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 monumental mason's licence.
- (2) A licence issued under sub-clause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.18 Display of Trade Names on Memorials Not Allowed

A person shall not display any trade names or marks on a memorial.

7.19 Expiry Date, Non-Transferability

A monumental mason's licence:

- (a) shall, subject to clause 7.21, be valid from the date specified therein until the 30 June next following; and
- (b) is not transferable.

7.20 Carrying out Monumental Work

A person shall not carry out monumental work within the cemetery unless that person:

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.17 or does so as the employee of a person who holds such a licence; or
- (b) is authorised by the Board to do so.

7.21 Responsibilities of the Holder of a Monumental Mason's Licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery

pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

7.22 Cancellation of a Monumental Mason's Licence

- (1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds:
 - (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
 - (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
 - (c) that the holder of the licence has purported to transfer the licence issued to that holder.
- (2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

7.23 Application for Single Monumental Work Permit

- (1) The Board may on receipt of an application by a person in the form prescribed and on payment of a set fee, issue to an applicant a single monumental work permit authorizing the holder to place a monument within a cemetery subject to such conditions as the Board specifies on the permit.
- (2) An application for a single monumental work permit under sub-clause (1) shall include an application for a monument work in the form prescribed.

PART 8 - GENERAL

8.1 Animals

Subject to clause 8.2, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.

8.2 Assistant Animals

This local law is subject to any written law and law of the commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

8.3 Damaging and Removing of Objects

Subject to clause 8.4, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.4 Withered Flowers

A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.5 Littering and Vandalism

A person shall not:

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (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.

8.6 Unauthorised Advertising or Conduct of Business

No person shall advertise or conduct business, trade or profession within a cemetery without the written permission of the Board. Any person granted approval must comply with all conditions imposed by the Board.

8.7 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 by the CEO or an authorised officer.

8.8 Removal from the Cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

PART 9 - OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions 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.

9.2 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.

First Schedule
Cemeteries Act, 1986

Shire of Bridgetown-Greenbushes
SHIRE OF BRIDGETOWN-GREENBUSHES CEMETERIES LOCAL LAW

Modified Penalties

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.4	Excessive speed	\$50.00
2	5.4	Unauthorised use - driving of vehicles	\$50.00
3	7.3	Placing and removal of rubbish and surplus materials	\$50.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
5	8.1	Animal at large	\$50.00
6	8.5	Dumping of Rubbish	\$50.00
7	8.6	Unauthorised advertising, and/or trading	\$50.00
8	8.7	Disobeying sign or lawful direction	\$50.00
9		All other offences not specified	\$50.00

Third Schedule
Cemeteries Act, 1986
Shire of Bridgetown-Greenbushes
SHIRE OF BRIDGETOWN-GREENBUSHES CEMETERIES LOCAL LAW
Withdrawal of Infringement Notice

No. _____

_____ Date ____/____/____

To (1) _____

Infringement Notice No _____ dated ____/____/____ for the alleged offence of (2)

Penalty (3) \$ _____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

(1) Insert name and address of alleged offender.

(2) Insert short particulars of offence alleged.

(3) Insert amount of penalty prescribed.

(Authorised Person)