CE301

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995
Shire of Bridgetown-Greenbushes

CEMETERIES AMENDMENT LOCAL LAW 2018

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 30 August 2018 to make the following Local Law.

PART 1—PRELIMINARY

1. Citation
This Local Law may be cited as the Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2018.

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

3. Principal Local Law

3.1 Clause 1.2 Interpretation
3.1.1 For consistency, change the first letter of interpretations commencing in 'lower case' to 'upper case'.
3.1.2 Delete interpretation of “Application as to assistance animals”
3.1.3 After interpretation of “Ashes”, insert new interpretation to read—
   “Assistance animals” has the same meaning as in the Disability Discrimination Act 1992;
3.1.4 After interpretation of “CEO”, insert the following interpretations to read—
   “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;
3.1.5 After interpretation of “Funeral Director”, insert the following interpretations to read—
   “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;
3.1.6 After interpretation of “single funeral permit”, delete the “.” and insert a “;” and insert the following interpretation to read—
   “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).

PART 2—ADMINISTRATION

3.2 Clause 2.1 Powers and Functions of CEO
3.2.1 Change the word “cemetery” in the last line to “cemeteries within the Shire of Bridgetown-Greenbushes”.
3.2.2 After clause 2.1, insert new clause to read—
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**

3.3 Clause 3.3 Certificate of Identification, Part (2)
Delete part (2) and replace with—

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 Clause 3.4 Minimum Notice Required
3.4.1 Delete wording of clause 3.4 and replace with—

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.

3.4.2 After clause 3.4, insert the following new clauses—

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**

3.5 Clause 4.1 Funeral Director’s Licence Expiry
Delete “30th day of” and replace with “30”.

**PART 5—FUNERALS**

3.6 Clause 5.3 Vehicle Entry Restricted
Delete wording for clause 5.3 and replace with—

(1) Subject to clause 5.3(2), a funeral procession shall enter by the principal entrance of the cemetery and no vehicle 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 authorised person.

**Division 2—Placement of Ashes**

3.7 Clause 5.7 Disposal of Ashes
In Part (1), after the word “Scattering” delete “to the Winds” and replace with “in an area approved by the Board”

**PART 7—MEMORIALS AND OTHER WORK**

3.8 Clause 7.1 Application for Monumental Work
Delete wording for clause 7.1 and replace with—

(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.

3.9 Clause 7.2 Placement of Monumental Work
After the word “foundations” delete the full stop and include “as determined by the Board.”.

3.10 Division 2—Lawn Section
Delete the words “Lawn Section” and replace with “Specifications and Materials for Memorials”.

3.11 Clause 7.14 Specification of Monuments
3.11.1 In Part (1) delete the words “in the lawn section of”.  
3.11.2 After sub-clause (c)(iii), insert a new sub-clause to read—

(iv) the length of the base of the monument shall not exceed 2.4m; and

3.11.3 Renumber current sub-clause (iv) to (v)
3.11.4 Delete sub-clauses (2) and (3).

3.12 Clause 7.15 Headstones
Delete clause 7.15 and replace with—

7.15 Specification of a Headstone
(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.

3.13 Division 3—Memorial Plaque Section
Delete this sub-heading.

3.14 7.16 Requirements of a Memorial Plaque
3.14.1 Delete the word “Requirements” and insert the word “Specification”.  
3.14.2 In sub-clause (1)(b), delete the words “380mm x 280mm” and insert the words “140mm x 110mm”.

3.15 Division 4—Licensing of Monumental Masons
Change “4” to “3”.

3.16 After sub-clause 7.17, insert new Clause to read—

7.18 Display of Trade Names on Memorials Not Allowed
A person shall not display any trade names or marks on a memorial.

3.17 Re-number existing clauses 7.18, 7.19, 7.20 and 7.21 accordingly.
3.18  **3.18 Expiry Date, Non-Transferability**
Delete “30th day of” and replace with “30”.

3.19  **3.19 Insert new Clause to read—**

**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**

3.20  **3.20 Clause 8.6 Unauthorised Advertising or Conduct of Business**
In the first line, after the words “trade or profession” insert the words “within a cemetery”.

Dated: 30 August 2018.

The Common Seal of the Shire of Bridgetown-Greenbushes was affixed by authority of a resolution of the Council in the presence of—

ANTONINO PRATICO, Shire President.
TIMOTHY CLYNCH, Chief Executive Officer.