

LOCAL GOVERNMENT ACT 1995  
CEMETERIES ACT 1986

SHIRE OF EAST PILBARA

**CEMETERIES AMENDMENT LOCAL LAW 2020**

Under the powers conferred by the *Local Government Act 1995*, the *Cemeteries Act 1986* and all other powers enabling it, the Council of the Shire of East Pilbara resolved on 28 August 2020 to make the following local law.

**1. Citation**

This local law is cited as the *Shire of East Pilbara Cemeteries Amendment Local Law 2020*.

**2. Commencement**

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

**3. Principal Local Law**

This local law amends the *Shire of East Pilbara Cemeteries Local Law 2010* as published in the *Government Gazette* on 17 January 2011.

**4. Clause 2.4 replaced**

Clause 2.4 is deleted and replaced with—

**2.4 Issuing grants**

The local government may, upon the written application of a person and upon payment of a set fee, issue that person with a grant for a term of 25 years.

**5. Clause 2.7 amended**

Clause 2.7(2) is deleted and replaced with—

(2) Notwithstanding subclause (1), the local government may, prior to issuing a replacement grant, require the holder to make a statutory declaration.

**6. Clause 2.8 amended**

Clause 2.8(1)(a) is deleted and replaced with—

(a) Make an application to the local government; and

**7. Clause 3.1 amended**

Clause 3.1(1) is deleted and replaced with—

(1) A person may apply for approval to bury a dead body in the cemetery.

**8. Clause 3.3 replaced**

Clause 3.3 is deleted and replaced with—

**3.3 Certificate of identification**

(1) After a dead body is placed in a coffin and prior to the dead body being removed to a cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification, unless—

- (a) in the opinion of a 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 a funeral director, a 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 a certificate to that effect.

**9. Clause 4.2 replaced**

Clause 4.2 is deleted and replaced with—

**4.2 Funeral director's licence**

(1) The local government may, upon the receipt of an application in writing and upon payment of a set fee, issue to an applicant a funeral director's licence authorising a holder to direct funerals within a cemetery at such times and on such days and subject to such conditions as the local government shall specify and in compliance with the provisions of this local law.

(2) If the application referred to in subclause (1) is approved by the local government, the local government shall issue to the applicant a licence.

(3) A person who is the holder of a current funeral director's licence may apply for a new licence for the following year by lodging with the local government an application form and upon payment of the set fee.

#### **10. Clause 4.6 amended**

Clause 4.6(1) is deleted and replaced with—

(1) The local government may, upon receipt of an application in writing by a person and upon payment of a set fee, issue to an applicant a single funeral permit authorising a holder to direct a funeral of the person named in a permit within a cemetery at such time and subject to such conditions as the local government shall specify upon the issue of that permit or in this local law.

#### **11. Clause 5.6 amended**

(1) Clause 5.6(1) is deleted and replaced with—

(1) A personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 for permission to dispose of the ashes in a cemetery and upon payment of a set fee, the local government may grant permission for the ashes to be disposed of by one of the following methods—

- (a) niche wall;
- (b) family grave;
- (c) bush memorial; or
- (d) other memorials approved by the local government.

(2) In clause 5.6 (2), the words 'in the form prescribed in Schedule 14' are deleted.

#### **12. Clause 7.1 amended**

Clause 7.1(1)(a) is deleted and replaced with—

- (a) the written application of a person; and

#### **13. Clause 7.18 replaced**

Clause 7.18 is deleted and replaced with—

##### **7.18 Application for single monumental work permit**

(1) The local government may, upon receipt of an application in writing by a person and upon payment of a set fee, issue to an applicant a single monumental work permit authorising a holder to place a monument within a cemetery subject to such conditions as the local government shall specify upon the issue of that permit or in this local law.

(2) Every application for a single monumental work permit under subclause (1) shall include an application for monumental work.

#### **14. Clauses 8.1 and 8.2 deleted and replaced**

Clause 8.1 and 8.2 are deleted and replaced with—

##### **8.1 Animals**

A person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than an 'assistance animal' as defined in section 9(2) of the *Disability Discrimination Act 1992 (Cth)* or with the approval of the CEO.

#### **15. Schedules deleted**

Schedules 4 to 17 inclusive are deleted.

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Dated 28 August 2020.

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

Cr LYNNE CRAIGIE OAM, President.  
JEREMY EDWARDS, Chief Executive Officer.

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