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**CEMETERIES ACT 1986**



**FREMANTLE CEMETERY  
BOARD BY-LAWS**



## CEMETERIES ACT 1986

**FREMANTLE CEMETERY BOARD BY-LAWS**

In pursuance of the powers conferred upon them by the abovementioned Act, and of every other power enabling them, the Fremantle Cemetery Board hereby records having resolved on the day of 26 July 2001 to make the following By-laws.

**PART 1—PRELIMINARY****Repeal**

1. The following By-laws are hereby repealed.
  - (a) The By-laws made by the Trustees of the Fremantle Cemetery under the provisions of the Cemeteries Act 1897, published in the *Government Gazette* on 29 January 1969.

**Citation**

2. These By-laws may be cited as the *Fremantle Cemeteries Board By-laws 2001*.

**Arrangement and Definitions**

3. (1) This By-law is divided into parts as follows—

PART I	PRELIMINARY
PART II	ADMINISTRATION
PART III	RIGHT OF BURIAL
PART IV	APPLICATIONS FOR FUNERALS—
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- (2) In these By-laws unless the context requires otherwise—

- “Act” means the Cemeteries Act, 1986;
- “ashes” means the remains after the due processes of cremation;
- “Authorised Officer” means an officer or employee of the Board authorised by the Board to exercise any power conferred by an act of Parliament or these By-laws;
- “Board” means the Fremantle Cemetery Board as constituted under Section 7 of the Act;
- “burial” has the same meaning as is given to it in the Act;
- “Cemetery” means the Fremantle Cemetery in Carrington Street, Palmyra which the Governor by order has vested under the care, control and management of the Board.
- “Crematorium” has the same meaning as that expression in the Act;
- “dead body” has the same meaning as that expression in the Act;
- “funeral” includes the burial and cremation of a dead body and all associates 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 in accordance with clause 23 which entitles the holder to conduct funerals at the Cemetery;
- “Chief Executive Officer” means the Chief Executive Officer for the time being appointed by the Board in accordance with Clause 4 and includes any person for the time being acting in that capacity in the absence of the Chief Executive Officer;
- “grant” means a grant by the Board, under clause 9 or clause 11, of an exclusive right of burial in a grave;
- “grave” means a specified area of the Cemetery for burial, including a compartment within a mausoleum or vault;
- “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 under clause 7 or clause 9;
  - (b) a person for the time being appearing to the Board to be the holder of a grant;
- “mausoleum” means a building or construction wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;
- “memorial” has the same meaning as is given to it in the Act;
- “military grave” means a grave eligible for commemoration by the Office of Australian War Graves.
- “monument” includes a tombstone, vault, enclosure or other approved form of memorial;
- “Monumental Mason” means a person, firm or company holding a current monumental mason’s licence;
- “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;
- “personal representative” means an executor and any person who by law or practice has the best right to apply for administration, and any person having lawful custody of the body of a deceased person.
- “set fee” refers to fees and charges set by a resolution of the Board and published in the Government Gazette in accordance with section 53 of the Act;
- “single funeral permit” means a permit issued by the Board in accordance with clause 27 which entitles the holder to conduct a funeral at the Cemetery for the deceased person named in the permit;
- “vault” means a lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board;
- “vehicle” has the same meaning as is given to that word in the Road Traffic Act 1974 as amended from time to time, and includes trail bikes, beach buggies and other recreational vehicles licensed or unlicensed, but excludes a wheel chair being used by a physically impaired person.

## PART II—ADMINISTRATION

### APPOINTMENT OF CHIEF EXECUTIVE OFFICER

4. The Board shall appoint a Chief Executive Officer who shall, at its discretion, exercise general supervision and control over all matters concerning the administration of the Cemetery and the carrying out and enforcement of these By-laws and, unless the Board otherwise resolves, all directions of the Chief Executive Officer shall be deemed to have been given by order of the Board.

#### **Appointment of Employees**

5. The Board may directly or by delegation to the Chief Executive Officer appoint staff to administer and supervise work within the Cemetery and carry out such work as is required for the general care of the Cemetery.

#### **Plans and Registers**

6. (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) 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 the Cemetery;
- (d) a register of cremations containing the names and descriptions of any person cremated in the Cemetery; and

- (e) a register of persons cremated whose ashes have been buried or disposed of in the Cemetery.
- (2) the plans and registered referred to in sub-clause (1) shall be open for inspection by members of the public during normal office hours of the Board and upon payment of the set fee.

#### **Pre Need Certificates**

7. Application for a Pre-need Interment or Cremation Certificate must be applied for on the application form stipulated in Twentieth and Twenty First Schedules. Upon payment of the prescribed fee, the Board may issue to a person a Certificate of Interment or Cremation.

#### **Lift and Deepen**

8. A lift and deepen service may be approved providing more than 10 years has elapsed since the last interment. In special circumstances, approval may be given for a lift and deepen service if more than 7 years has elapsed since the last interment.

### **PART III—RIGHT OF BURIAL**

#### **Issue of a grant**

9. Upon—

- (a) the written application of a person; and
- (b) payment of the set fee,

the Board may issue to that person a grant of right of burial for a term of 25 years.

#### **Rights of a holder**

10. (1) Subject to this By-law, 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—

- (a) to bury one or more dead bodies, or the ashes of one or more dead bodies in the grave specified in the grant; and
- (b) to carry out monumental works on the grave 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 place in a grave.

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

#### **Renewal of a grant**

11. (1) Where, at any time during the term of a grant issued under clause 9, the holder—

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

the Board shall renew that grant for a further term of 25 years commencing on the initial expiry date of the grant.

#### **Replacement grant**

12. Upon—

- (a) the written application of a holder; and
- (b) the production of evidence to the satisfaction of the Board, which may include a statutory declaration by the holder substantially in the form set out in the First Schedule.

the Board may issue a new grant to replace a grant which is lost or has been destroyed.

#### **Transfer of a grant**

13. (1) A holder who wishes to assign a grant must produce to the Board for registration the document giving effect to the assignment.

(2) An assignment may be in the form set out in the Second Schedule.

(3) In the event that an assignment cannot be made in accordance with Section 26 of the Act, then a declaration in the form set out in Schedule 19 may be used to obtain the Board's approval.

#### **Exercising the rights of a holder**

14. If the Board is satisfied, on the basis of written evidence, that the holder of a 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—
  - (d) the holder's personal representative,
  - (e) a person acting expressly on behalf of the holder's personal representative; or
  - (f) where no one described in paragraphs (d) or (e) is available or immediately ascertainable, any other person,
- to exercise, subject to any conditions imposed by the Board, the rights conferred on the holder.

#### **Burial without a grant**

15. (1) Where a person who wishes to bury a dead body, or the ashes of a dead body, in a grave which is not the subject of a grant—

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

the Board, may authorise the burial of that body or ashes in a specified grave allocated for that purpose.

(2) Where a grave is allocated under sub-clause (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;
- (b) disinter and cremate the remains buried in that grave; or
- (c) bury other dead bodies.

### **PART IV—APPLICATION FOR FUNERALS**

#### *Division 1—Applications*

#### **Application to hold a Funeral**

16. (1) A person who desires 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 form prescribed by the Third Schedule; and
- (b) lodge with the application referred to in paragraph (a)—
  - (i) evidence to the satisfaction of the Board that the holder of the grant in respect of the grave in which the body is intended to be buried has consented to or would not object to the burial. Schedule twenty three may be used;
  - (ii) an application for a grant under clause 9; or
  - (iii) an application for the allocation of a grave under clause 15.

(2) A person who desires to hold a funeral within the Cemetery shall, in the case of the cremation of a dead body—

- (a) make an application to the Board in the form prescribed in the Fourth Schedule; and
- (b) lodge with the application referred to in paragraph (a) a permit to cremate issued in accordance with the Cremation Act 1929.

(3) All applications referred to in sub-clause (1) and (2) shall be accompanied by—

- (a) a doctor's certificate for burial or disposal of the dead body; or
- (b) a coroner's order for burial; and
- (c) a certificate of identification in accordance with clause 17.

(4) All applications to hold a funeral must be lodged at the office of the Board in such time as to permit at least five (5) working hours notice to be given prior to the time requested to be fixed for the funeral.

(5) All applications to hold a funeral on a Saturday must be lodged at the office of the Board no later than 2.30pm on the day before the funeral unless a later time is approved by the Board.

(6) In addition to the requirements of subparagraph (1) above, Schedule twenty two (grave digging requisition) is to be submitted to the Board at least 5 working hours before the day on which the burial is sought.

#### **Certificate of Identification**

17. (1) After a deceased person is placed in a coffin and prior to the deceased person being removed to the Cemetery, or Crematorium within the Cemetery, a person who

personally knew the deceased shall identify the dead body and shall complete the form prescribed in the fifth Schedule 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 in the Sixth Schedule.

#### *Division 2—Times for Funerals*

##### **Application to hold a Funeral**

18. Upon receipt of a properly completed application form in accordance with clause 16 and all other things required by these By-laws, the Board shall—

- (a) fix a time for the funeral; and
- (b) prepare any grave that is required or reserve the venue for a cremation service (as the case may be).

##### **Fixing Times for a Funeral**

19. The time fixed for a funeral is at the discretion of the Board but subject to these By-laws will be as near as possible to the time requested by the applicant.

##### **Times for burials and Cremations**

20. (1) A person shall not carry out a burial or cremation—

- (a) on public holidays
- (b) at any time other than during the following days and hours—
 

Monday to Friday	8.00am to 8.00pm
Saturday	8.00am to 12.00pm

except with the written permission of the Board.

##### **Admittance of Coffins**

21. A person shall not bring a coffin into the Cemetery other than during the hours referred to in clause 20(1)(b), except with the written permission of the Board.

### **PART V—FUNERAL DIRECTORS**

##### **Directing a Funeral**

22. A person shall 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;
- (b) an employee of the Funeral Director;
- (c) the holder of a single funeral permit issued in accordance with clause 27.

##### **Funeral Director's Licence**

23. (1) The Board may upon receipt of an application in writing by any person in the form prescribed in the Seventh Schedule 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 these By-laws.

(2) If the applications referred to in sub-clause (1) is approved by the Board, the Board shall issue to the applicant a licence in the form prescribed in the Eighth Schedule.

(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 a application form prescribed in the Seventh Schedule and upon payment of the set fee.

##### **Period of Licence**

24. A Funeral Director's licence—

- (a) shall be valid from the date specified therein until the 30<sup>th</sup> day of June next following the date of commencement of the licence or until the licence is determined pursuant to clause 26, whichever shall occur sooner; and
- (b) shall not be transferable without the Board's prior consent.

**Responsibilities of the holder of a Funeral Director's Licence**

25. The holder of a Funeral Director's licence 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) these By-laws,
  - (iii) the Act; and
- (b) the conditions imposed by the Board in respect of that licence.

**Cancellation of a Funeral Director's Licence**

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

- (a) the holder of the licence or any employee has committed a breach of these By-laws, the Act, the Cremation Act 1927 or any of the conditions upon which the licence was issued;
- (b) in the opinion of the Board, the conduct of the holder of the Funeral Director's licence or any employee of the holder in directing or attempting to direct any funeral within the Cemetery is inappropriate or unbecoming.
- (c) the holder of the Funeral Director's licence 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;
- (f) the holder of the Funeral Director's licence is convicted of an offence against this Act or these By-laws; or
- (g) the Board is no longer satisfied that the holder of the Funeral Director's licence has suitable facilities and equipment for handling and storing dead bodies and conducting funerals.
- (h) the Board considers a criminal conviction against the Funeral Director is sufficiently serious to warrant cancellation;
- (i) the holder is declared bankrupt.

(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,

**PART VI—SINGLE FUNERAL PERMITS****Application for a Single Funeral Permit**

27. The Board may upon receipt of an application in writing by any person in the form prescribed by the ninth Schedule and upon payment of the set fee issue to the applicant a single funeral permit authorising the holder to direct the funeral of the person named in the permit within the Cemetery at such time and subject to such conditions as the Board shall specify upon the issue of that permit or in these By-laws. A maximum of three single funeral permits per licence year will be granted to any person.

**Specifications and Details**

28. Every application for a single funeral permit made in accordance with clause 27 shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite or Crematorium.

**PART VII—FUNERALS***Division 1—General***Requirements as to Coffins**

29. A person shall not bring a dead body into the Cemetery unless—

- (a) the Board has received an application for the burial or cremation of that dead body in accordance with clause 16;
- (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 being not less than 10mm in height.

**Funeral Processions**

30. (1) Where—

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

- (b) all the forms prescribed by these By-laws to hold and direct a funeral at the Cemetery are not presented to an Authorised Officer at the Cemetery at the time fixed by the Board for the funeral.

then the applicant who applied to hold the funeral under clause 16 shall pay the set fee.

The Board may instruct the applicant to arrange an alternative time for the funeral.

(2) Where a funeral procession fails to proceed to the Crematorium or grave site of the Cemetery within ten (10) minutes of arrival at the Cemetery, the applicant who applied to hold the funeral shall pay the set fee for being late.

(3) No funeral procession at the Cemetery shall include more than—

- (a) one Funeral Director's hearse; and  
(b) four (4) mourning coaches,  
without the prior approval of the Chief Executive Officer.

#### *Division 2—Cremation*

##### **Metal or Metal Lined Coffins**

31. Metal or metal lined coffins shall not be accepted by the Board for cremation at the Cemetery.

##### **The Contents of Coffins Delivered for Cremation**

32. The use of polyvinyl or its derivative, polyurethane, aerosol cans, surgical implants, other sealed containers and/or glass in or upon coffins presented for cremation at the Cemetery is prohibited.

##### **Depositing the Coffin**

33. (1) The Funeral Director shall deposit the coffin for cremation upon the catafalque in the Crematorium chapel or at such other position within the Cemetery as may be determined from time to time by the Board.

(2) Once the coffin has been deposited for cremation in accordance with sub-clause (1), all further services will be rendered by and be under the sole control of the Board.

##### **Removal of the Name Plate and lead Strip**

34. The Board shall remove the name plate and lead strip from the coffin prior to cremation at the Cemetery and the lead strip shall be placed in the container with the ashes.

##### **Removal of metal Fittings**

35. The Board may remove any metal fittings on coffins presented for cremation at the Cemetery which in the opinion of the Board could impede the cremation or cause damage to the cremation equipment.

#### *Division 3—Placement of Ashes*

##### **Directions to Place Ashes**

36. (1) Where the personal representative of a deceased person whose body has been cremated—

- (a) has not given directions for the placement of ashes in the application for a cremation referred to in clause 16; or  
(b) wishes to vary the directions for the placement of ashes specified in the application for cremation referred to in clause 16,

then the personal representative may apply to the Board in the form prescribed by the Tenth Schedule for permission to place the ashes in the Cemetery and upon payment of the set fee the Board may grant permission for the ashes to be placed by one of the methods specified in the Eleventh Schedule.

(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 the Cemetery 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 in a grave provided—

- (a) any monumental work commemorating the deceased person is in accordance with Part VIII of these By-laws;  
(b) the ashes are not deposited in a niche wall; and  
(c) the person requesting the placement of the ashes has the approval of the Board.

**Availability of Ashes**

37. Subject to compliance with clause 36, the ashes of a deceased person that have not been placed within the Cemetery will be made available to a personal representative of the deceased person who signed the application for cremation or their nominee, authorising in writing; during the normal office hours of the Board after the expiration of twenty four hours (24) after the completion of the cremation at the Cemetery.

**Ashes held by the Board**

38. (1) If within six (6) months after the date of cremation at the Cemetery—

- (a) the ashes of the deceased person have not been claimed; or
- (b) no arrangements have been made for the placement of the ashes of a deceased person by the personal representative,

then the Board may dispose of the ashes at its discretion.

(2) Where the ashes of a deceased person are held by the Board at the request of the personal representative after the expiration of six (6) months from the date of cremation then the personal representative shall pay the set fee, which fee shall be payable monthly in advance.

(3) In the event that the legal representative defaults in the payment of the fee referred to in sub-clause (2), the Board may dispose of the ashes.

*Division 4—Burials***Specification of Graves**

39. The Board may from time to time determine the specifications of graves.

**Vaults & Mausoleums**

40. (1) A person other than the Board shall not construct a brick grave, crypt, vault or mausoleum within the Cemetery.

(2) The Board may upon receipt of an application in writing by any person and upon payment of the set fee construct a vault or mausoleum within the Cemetery which vault or mausoleum shall at all times remain the property of the Board.

(3) A mausoleum must be—

- (a) constructed of brick, stone, concrete or similar durable material; and
- (b) adequately ventilated and drained; and
- (c) vermin proof; and
- (d) capable of being secure against entry by vandals or other unauthorised persons.

(4) A person shall not place a dead body in a mausoleum except—

- (a) in a closed coffin and the body has been embalmed; and
- (b) in a soundly constructed chamber; and
- (c) in accordance with Subclause (5).

(5) The number of burials in a chamber must not exceed the number for which the chamber was designed.

(6) The Board shall ensure that as soon as possible after a dead body is placed in a mausoleum, the front of the chamber is sealed with a slab of impervious material and faced with a substantial slab of stone, slate, or other material approved by the Board.

(7) Flowers shall not be interred with the casket.

(8) Fresh flowers may only be used inside a mausoleum at the initial committal, at Easter and other specific religious days approved by the Board.

**Burying a Coffin**

41. (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 sub-clause (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.

42. (1) Subject to sub-clause (2), if for the purpose of re-opening a grave in the Cemetery the Board finds it necessary to remove a monument, edging, tiles, 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 58 of the Act then, the Minister may further order how and by whom the costs referred to in sub-clause (1) shall be met.

(3) In this clause, the word "Minister" has the same meaning as is given to that expression in the Act.

#### **Disinterring a Coffin**

43. (1) Subject to sub-clause (2), a person shall not disinter a coffin in the Cemetery for the purposes of re-burial within seven years (7) years after the date of its interment.

(2) Sub-clause (1), shall not apply where the coffin is disintered for the purpose of the exhumation of a dead body and the exhumation is ordered or authorised pursuant to the Act.

#### **Exhumation**

44. A person shall not disinter a coffin in the Cemetery for the exhumation of a dead body unless—

- (a) the exhumation is ordered or authorised pursuant to the Act; or
- (b) the holder of the grant of right of burial has applied in writing to the Board requesting the exhumation and the Board has authorised the exhumation.

#### **Opening a Coffin**

45. (1) A person shall not open a coffin in the Cemetery unless—

- (a) the coffin is opened for the purpose of the exhumation of a dead body; 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 the Police for the time being appointed under the Police Act 1996 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—Permission for Monumental Work*

#### **Carrying out Monumental Work**

46. (1) Subject to sub-clause (2), a person shall not carry out monumental work on a grave—

- (a) unless the monumental work has first been approved by the Board;
- (b) except in accordance with the plans and specifications approved by the Board; and
- (c) unless the set fee has been paid.

(2) The Office of Australian War Graves—

- (a) may, without the approval of the Board, carry out monumental work on a military grave; and
- (b) is not required to pay the set fee for any monumental work that is carried out on a military grave.

#### **Application to Carry out Monumental Work**

47. (1) Upon—

- (a) the written application of a person in the form of the Twelfth Schedule and accompanied by the documents set out in sub-clause (2); and
- (b) payment of the set fee,

the Board may issue to that person a permit to carry out monumental work on the grave specified in the 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) the 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 the holder of the grant in respect of the grave on which the work is to be carried out, the written consent of the holder; and
- (c) the quoted cost of the proposed monumental work.

(3) The Board may refuse any application where it considers that the proposed monumental work is inappropriate.

(4) A copy of the approved monumental permit (Schedule 12 or 15) shall be carried by an authorised representative of the Monumental Mason when carrying out works on the monument.

(5) Monumental work not authorised in accordance with clauses 47 (1) – (4) shall incur the penalty prescribed in Schedule 16.

*Division 2—Specifications of Monuments***Specifications of Monuments**

48. (1) All monuments at the Cemetery, except as otherwise specifically approved by the Board, shall—

- (a) be made of natural stone;
- (b) be placed upon a base of natural stone;
- (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 to be less than 150mm nor more than 450mm;
  - (iii) the width of the base of the monument shall not exceed 1.20m;
  - (iv) the depth of the base of the monument shall not exceed 300mm;
- (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.

(2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the Cemetery.

(3) A person shall not display any trade names or marks upon any monument within the lawn section of the Cemetery.

**Headstones**

49. No portion of a headstone in a lawn section of the Cemetery shall protrude outside the area of the perimeter of the base of that headstone.

*Division 3—Specifications of Memorial Plaques*

50. (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.
  - (b) not be less than the dimensions 380mm x 280mm, nor more than 560mm x 350mm; and
  - (c) bear an inscription approved by the Board.
- (2) All memorial plaques made of admiralty bronze shall—
- (a) not exceed 20mm in thickness; and
  - (b) be placed upon the 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 4—General***Kerbing**

51. (1) the Board may from time to time set aside any part of the Cemetery for graves that are not to be enclosed by kerbing.

(2) A person shall not enclose a grave with kerbing where the grave is situated—

- (a) in a lawn section of the Cemetery;
- (b) in a memorial plaque section of the Cemetery; or
- (c) in a part of the Cemetery set aside under sub-clause (1).

**Numbering on Graves**

52. (1) A person shall not carry out monumental work on a grave unless the number of that grave is indelibly and legibly inscribed on the base of the headstone, or if this is not practicable, on the kerbing at the foot of the grave.

**Monuments to be Kept in good Repair and Condition**

53. (1) The holder shall keep the grave subject of the grant and all monuments upon it in good repair and condition.

(2) Should any monumental work or any erection on any grave become broken or unsightly the Board shall have the power to request the grantee to have the same repaired or removed and should the grantee be unavailable, the Board shall have the right to remove the broken or unsightly erections.

**Placing of Glass Domes and Vases**

54. A person shall not place glass domes, vases or other grave ornaments—

- (a) outside the perimeter of a grave in the Cemetery; or
- (b) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

**Plants and Trees**

55. A person shall not plant trees, shrubs or plants on the surface of or within one metre of the outside perimeter of any grave in the Cemetery without the prior approval of the Board.

**Monumental Work Standards**

56. (1) A person who proposes to carry out monumental work in the Cemetery shall—

- (a) use material of good quality; and
- (b) not use any plastic or epoxy based substances for the in-filling of inscriptions on headstones, tablets or any other monumental work.

(2) An Authorised Officer may reject any material that in the Officer's opinion is not good quality and the person who brought such material into the Cemetery shall forthwith remove it therefrom.

**Use of Wood**

57. A person shall not place wooden fences, railings, crosses or other wooden erections within the Cemetery unless—

- (a) the wooden material is a temporary marker; and
- (b) the person has obtained the prior approval of the Board.

**Operation of Work**

58. All material required in the erection or completion of any monumental work shall—

- (a) be prepared as far as practicable before being brought into the Cemetery; and
- (b) be admitted at such entrances of the Cemetery and at such times as the Chief Executive Officer may direct.

**Placement of Monumental Work**

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

(2) Notwithstanding Clause 48 (1)(d), all monuments in the Cemetery exceeding 1.8m in height when erected or 500kgs in weight shall have foundations extending to the bottom of the grave.

**Placement of Rubbish**

60. (1) A person shall not place rubbish soil, sand or any other surplus material resulting from monumental work upon any grave.

(2) Notwithstanding Clause 61, a person carrying out monumental work within the Cemetery shall remove from that Cemetery all surplus material resulting from that work, upon its completion.

**Removal of Sand, Soil or Loam**

61. Subject to Clause 60(2), a person shall not remove sand, soil or loam from any portion of the Cemetery unless that person has the permission of the Board.

**Supervision**

62. (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 directions given by an Authorised Officer in accordance with sub-clause (1).

**Hours of Work**

63. A person shall not work within the Cemetery without permission of the Chief Executive Officer or a person authorised by the Board—

- (a) other than during the day and hours specified in clause 20(1)(b);
- (b) on Saturday afternoons and Sundays; or
- (c) on public holidays.

**Conditions of Work**

64. A person carrying out monumental work within the Cemetery shall not leave any uncompleted monumental work in an untidy or unsafe condition.

*Division 5—Licensing of Monumental Masons***Applicants for a Monumental Mason's Licence**

65. (1) The Board may upon receipt of an application in writing by any person, firm or company in the form prescribed in the Thirteenth Schedule and upon payment of the set fee issue to the applicant a monumental mason's licence.

(2) A licence issued under clause 65(1) authorises the holder to carry out monumental works within the Cemetery subject to the provisions of these By-laws and such conditions as the Board shall specify upon the issue of that licence.

#### **Period of Licence**

66. A Monumental Mason's licence—

- (a) shall be valid from the date specified therein until the 30<sup>th</sup> day of June next following the date of the commencement of the licence or until the licence is determined pursuant to clause 69, whichever shall occur sooner; and
- (b) shall not be transferable unless the prior approval of the Board has been obtained.

#### **Carrying out Monumental Work**

67. A person shall not carry out monumental work within the Cemetery unless that person is the holder of a current valid Monumental Mason's licence issued pursuant to clause 65 or does so as the employee of or principal of a firm or a director of a company which holds such licence or is otherwise authorised by the Board.

#### **Responsibilities of the holder of a Monumental Mason's Licence**

68. 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 of the licence, these By-laws, the Cemeteries Act and the Occupational Health Safety and Welfare Act and the conditions pursuant to which that licence was issued.

#### **Cancellation of a Monumental Mason's Licence**

69. (1) The Board may by notice in writing to the holder of a Monumental Mason's licence determine the licence forthwith on any of the following grounds—

- (a) That the holder of the licence has committed a breach of these By-laws, the Cemeteries Act, the Occupational Health Safety and Welfare Act or any of the conditions upon which the licence was issued;
- (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 to that holder.
- (d) Upon determination 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.

### *Division 6—Single Monumental Work Permits*

#### **Application for a Single Monumental Work Permit**

70. The Board may upon receipt of an application in writing by any person in the form prescribed by the Fifteenth schedule and upon payment of the set fee issue to the applicant a single monumental work permit authorising the holder to place a monument within the Cemetery subject to such conditions as the Board shall specify upon the issue of that permit or in these By-laws.

#### **Specifications and Details**

71. Every application for a single monumental work permit made in accordance with clause 70 shall include an application for monumental work in the form prescribed by clause 47.

## **PART IX—GENERAL**

### **Vehicles**

72. (1) A person shall not drive a vehicle—

- (a) in the Cemetery at a speed exceeding 25 kilometres per hour;
- (b) in the Cemetery in any manner likely to cause detriment to the safety of pedestrians or other users of the Cemetery;
- (c) in the Cemetery other than on those roads directed to be used by an Authorised Officer;
- (d) in the Cemetery other than in accordance with the directions of an Authorised Officer; or
- (e) on any part of the Cemetery that is not a constructed 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.

**Animals**

73. (1) Subject to sub-clause (3), a person shall not bring an animal into or permit an animal to enter or remain in the Cemetery.

(2) Subject to sub-clause (3), the Board or an Authorised Officer may seize and remove any animal found in the Cemetery.

(3) Sub-clause (1) and (2), shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog.

**Fireworks or Firearms**

74. (1) A person shall not bring or discharge any fireworks within the Cemetery. Special approval may be given by the CEO on ceremonial occasions.

(2) A person shall not bring or discharge any firearms within the Cemetery except in the case of a military funeral when firearms may be brought into the Cemetery and discharged by members of the Defence Force.

(3) In this Clause, "Defence Force" has the same meaning as is given to that expression in the Defence Act 1903.

**Damaging and Removing Objects**

75. (1) Subject to sub-clause (2), 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.

(2) A person may remove withered flowers from a grave or memorial.

(3) A person who removes withered flowers from a grave or memorial shall place them in a receptacle provided by the Board for that purpose.

**Advertising**

76. 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.

**No Benefits or Gratuities**

77. 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.

**Littering**

78. A person shall not—

(a) break or cause to be broken any glass, ceramics 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.

**Disruption of Funeral Processions**

79. A person shall 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.

**Entry**

80. A person shall not enter the Cemetery other than during the hours between sunrise and sunset except with the approval of the Board or an Authorised Officer.

**Swimming**

81. A person shall not swim or wade in or remove fish or wildlife from lakes, tanks or other water features within the Cemetery.

**Recording on film or videotape**

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

(2) A person shall not record on film or videotape a funeral, headstone or memorial within the Cemetery without the prior approval of the next of kin of the deceased person whose funeral, headstone or memorial is being recorded.

**Camping**

83. A person shall not camp in or upon the Cemetery land.

**Lighting Fires**

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

**Obeying Signs and Directions**

85. 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.

### Removal from the Cemetery

86. (1) Any person failing to comply with any provisions of these By-laws or behaving in a manner that in the opinion of the Board or one of its Authorised Officers is inappropriate or unbecoming in the Cemetery may in addition to any penalty provided by these By-laws be ordered to leave the Cemetery by the Board or an Authorised Officer.

(2) Any person failing to comply with an order to leave the Cemetery made pursuant to sub-clause (1) may be expelled from that Cemetery and shall not re-enter that Cemetery for a period of twenty four (24) hours).

## PART X—OFFENCES AND MODIFIED PENALTY

### Offence

87. A person who commits a breach of any provision of these By-laws commits an offence and shall on conviction be liable to a penalty not exceeding \$500 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 is continued.

### Modified Penalties

88. (1) A person who—

- (a) receives an infringement notice pursuant to sub-section (1) of Section 63 of the Act; and
- (b) does not contest that an offence was committed against these By-laws, may, within the time specified in the notice, pay to the Board the modified penalty payable with respect to that offence.

(2) The offences and modified penalties prescribed with respect to offences against these By-laws shall be as specified in the Sixteenth Schedule.

(3) The prescribed form of the notice referred to in Section 63 (1) of the Act is set out in the Seventeenth Schedule.

(4) The production of an acknowledgment from the Board of the payment of a modified penalty is a defence to a charge of the offence in respect of which that penalty was paid.

(5) If it appears to the Board that an alleged offence cannot be adequately punished by the payment of the modified penalty then the Board may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in a Court of Petty Sessions.

(6) A notice sent under section 63 (3) of the Act withdrawing an infringement notice served under section 63 (1) in respect of an offence alleged to have been committed against one of the provisions of these By-laws shall be in or to the effect of the Eighteenth Schedule.

## PART XI

### LIST OF SCHEDULES

First	Declaration of Ownership of Missing Grant of Right of Burial
Second	Assignment/Transfer of Grant of Right of Burial
Third	Application for Burial and Instruction for Grave
Fourth	Application for Cremation and Instruction for Ashes
Fifth	Certificate of Identification
Sixth	Certificate Dispensing With Identification
Seventh	Application for Grant or Renewal of Funeral Directors Licence
Eighth	Funeral Director's Licence
Ninth	Application for Single Funeral Permit
Tenth	Authority for Placement of Ashes
Eleventh	Options
Twelfth	Monumental Permit
Thirteenth	Application for Monumental Mason's Licence
Fourteenth	Monumental Mason's Licence
Fifteenth	Application for Single Monumental Permit
Sixteenth	List of Penalties
Seventeenth	Infringement Notice Part 1 Infringement Notice Part 2
Eighteenth	Withdrawal of Infringement Notice
Nineteenth	Assignment of Ownership of Grant of Right of Burial
Twentieth	Application for Pre-Need Cremation Certificate
Twenty First	Application for Pre-Need Interment Certificate
Twenty Second	Grave Digging Requisition
Twenty Three	Application for Interment of Ashes/Body in Grave

**First Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**  
**DECLARATION OF OWNERSHIP OF MISSING GRANT OF**  
**RIGHT OF BURIAL**

I, (a) .....  
of (b) .....

do solemnly and sincerely declare as follows—

1. I am the person described as (c) .....  
in the grant of Right of Burial numbered .....  
issued by the Fremantle Cemetery Board on .....
2. (d) .....  
.....  
.....  
.....  
.....

3. I have not transferred any of my rights under that grant to any person.

And I make this solemn declaration by virtue of section 106 of the Evidence Act 1906.

Declared at ..... in the State of Western Australia  
this ..... day of ..... 20..... before me—

- (a) Full name of declarant.
- (b) Address and occupation of declarant.
- (c) State whether grantee or assignee.
- (d) Set out the circumstance leading to loss or destruction of grant, and if lost, action taken by declarant to ascertain whereabouts of grant.

**Second Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**  
**ASSIGNMENT OF GRANT OF RIGHT OF BURIAL**

**ASSIGNMENT/TRANSFER OF OWNERSHIP OF**  
**GRANT OF RIGHT OF BURIAL**

Grant No: \_\_\_\_\_ Grave Location No: \_\_\_\_\_  
I, (current owner's full name): \_\_\_\_\_  
of (address): \_\_\_\_\_

*being the owner of the abovementioned grant hereby assign the grant of right of burial to—*

new owner's name: \_\_\_\_\_  
of (address): \_\_\_\_\_

*I hereby submit the scheduled fee of \$\_\_\_ as required for transfer of the above mentioned grant, and authorise the Fremantle Cemetery Board to send the assigned grant to the new owner.*

\_\_\_\_\_  
Signature  
(Original Owner)

\_\_\_\_\_  
Signature  
(Assigned Owner)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*Note: In the event that the current owner of the grant is deceased, then a copy of the probate of the Will of that person must be produced to the Fremantle Cemetery Board in order for the ownership of the grant to be assigned.*

(Cemeteries Act 1986 Section 26(3))

**(FCB office use only)**

Grant No: \_\_\_\_\_ Receipt No: \_\_\_\_\_ Date: \_\_\_\_\_

Date Grant Register updated: \_\_\_\_\_ Date computer updated: \_\_\_\_\_

Signature of Manager of Client Services: \_\_\_\_\_

**Third Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**  
**APPLICATION FOR BURIAL & INSTRUCTIONS FOR GRAVE**

Application No.  _____
------------------------------

date of death	date of burial	time of burial	(pre-need interment agreement number)
			Male / Female

surname of deceased	other names	title
date of birth	age	place of death

Last address of deceased	Occupation
--------------------------	------------

**Details of Service:** Private Service: Y/N Chapel Service: Y/N Catering: Y/N (book direct through Tearooms)

**Instructions for Grave**

New Grave/Reopening (delete as applicable)

Grant No. for reopening)	Location	Grave No	Type:  <i>Lawn or Monumental</i>
--------------------------	----------	----------	--

If a new grave -the Grant is to be posted to: \_\_\_\_ Grantee or \_\_\_\_ Funeral Director

signature of grantee	date
----------------------	------

full name of grantee	title	phone
----------------------	-------	-------

address of grantee

**Declaration for a reopening of a grave** (Delete whichever is not applicable)

- I am the person whose name the grant of right of burial was issued.
- I am the personal representative of the holder of the grant
- I am the person acting expressly on behalf of the holders personal representative
- None of the above persons are immediately available or ascertainable. I hereby give my authorisation for the above mentioned grave to be re-opened and for the deceased person (mentioned in this application) to be interred into the said grave.

Signature \_\_\_\_\_ Date \_\_\_\_\_

name of Minister or person officiating at service	name of Funeral Director conducting service	Funeral Director Company / Branch
---	---	-----------------------------------

signature	signature	date
-----------	-----------	------

Office Use

**Certification**

*I, the undersigned, certify that a coffin purporting to contain the remains of the abovenamed deceased, was interred in the above grave on this day.*

name of funeral clerk	signature	date
-----------------------	-----------	------

Digging Requisition received	Oversized coffin	Chapel— East / West	Death certificate / Coroner's Certificate sighted:
COSTING: \$ _____	Invoice / Receipt	Oversize fee	Interment fee
		Grant fee	Sat fee
		Chapel	Catering
Notes:			

**Fourth Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**  
**APPLICATION FOR CREMATION & INSTRUCTIONS**  
**FOR ASHES**

Application No. _____
--------------------------

date of application	date of death	date of cremation	time of cremation	(pre-need cremation agreement number)
surname of deceased				Male / Female
other names		title		
date of birth	age	place of death		
Last address of deceased			Occupation	

**Administrator's Instruction for Ashes**

- \_\_\_\_\_ hold ashes and post information brochures to be sent to Administrator after service
- \_\_\_\_\_ ashes to be collected by Funeral Director. Preferred collection date \_\_\_\_\_
- \_\_\_\_\_ ashes to be collected by Administrator (please telephone giving 24 hours notice before collection)
- \_\_\_\_\_ ashes to be posted to: \_\_\_\_\_
- \_\_\_\_\_ ashes not required. Administrator authorises Cemetery to immediately dispose of ashes within Cemetery grounds.
- \_\_\_\_\_ ashes to be interred in grave/memorial garden—Location/no. \_\_\_\_\_

signature of administrator	date	
full name of administrator	title	phone number
address of administrator		

**Details of Service**    Private service: Y / N (will not appear on notice board)  
 Catering:                Y / N (book direct through Tea Rooms)  
 Double booking: Y / N

name of Minister or person officiating at service	name of Funeral Director conducting service	Funeral Director Company / Branch
signature	signature	date

Office Use

**Certification** (Regulation 20 Cremation Act 1929)

*I the undersigned, certify that a coffin purporting to contain the above remains have been cremated and a certificate of cremation has been issued on this day.*

name of funeral clerk	signature	date
Cremation Permit No.	Cremation Certificate	Chapel: East / West / Central
Date FCB letter sent	Ashes reminder letter	
COSTING: \$ _____	Invoice / Receipt	Crem Fee    Sat Fee
Date plaque ordered	Order number	Date of witnessing
Advised	Completed	Other
Notes:		



- 1.2 .....  
Tel ..... Fax ..... Email ..... Manager.....
- 1.3 .....  
Tel ..... Fax ..... Email ..... Manager.....
- 1.4 .....  
Tel ..... Fax ..... Email ..... Manager.....
- 1.5 .....  
Tel ..... Fax ..... Email ..... Manager.....
- 1.6 .....  
Tel ..... Fax ..... Email ..... Manager.....
- 3. Number of years for which Applicant has previously held a Funeral Director's Licence: .....
- 4. Details of offences under the Cemeteries Act, Cremation Act or the Bylaw of any Cemetery for which the Applicant or his or its servants or agents have been convicted .....
- 5. Full name, address and position or capacity of the person completing this application—  
.....  
.....

**TO BE COMPLETED IF APPLICANT IS A COMPANY**

- 6. (a) Full names and addresses of  
(Directors) .....  
.....  
(Manager) .....  
(Secretary) .....
- (b) (Registered Office).....  
.....

**TO BE COMPLETED IF APPLICANT IS A PARTNERSHIP**

- 7. Full names and addresses of  
(Partners) .....  
.....

**TO BE COMPLETED IF APPLICANT IS NEITHER COMPANY NOR PARTNERSHIP**

- 8. Full name and address  
.....  
.....

*I/We agree to observe the following conditions on which the grant of any Funeral Director's Licence will be made—*

- 1. *Funeral Directors shall observe the Bylaws and Regulations framed by the Fremantle Cemetery Board for the management of the Fremantle Cemetery.*
- 2. *Funeral Directors shall pay to the Fremantle Cemetery Board the appropriated Gazetted charges for all work performed for or at the request of Funeral Directors.*
- 3. *All Funeral Directors shall give their customers a reasonable opportunity to select graves if requested or to take advantage of any special conditions offered by the Fremantle Cemetery Board.*

*I/WE agree to pay the appropriate fee should a Funeral Director's Licence be granted pursuant to this application.  Please invoice our account  Our cheque is enclosed*

SIGNATURE(S) .....  
BUSINESS NAME .....  
DATE .....

<b>(FCB office use only)</b>			
Date Received: _____	Referred to Board: _____	Date Approved: _____	
Date Licence Issued _____	Invoice No. _____	Receipt No. _____	

***Eighth Schedule***  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAW**  
**FUNERAL DIRECTOR'S LICENCE**

Approval for a Funeral Director's Licence has been granted to—

\_\_\_\_\_

Premises where licence will be conducted from and trading as—

\_\_\_\_\_

is hereby approved for one year commencing 1 July \_\_\_\_\_ to 30 June \_\_\_\_\_ and the following conditions apply—

1. Funeral Directors shall observe the By-laws and Regulations framed by the Cemetery Board for the management of the Cemetery.
2. They shall pay to the Board the Gazetted charges for all work performed through their application, also charges for land, or other charges (gazetted) incurred by them.
3. They shall give their customers reasonable opportunity to select graves and memorials if requested, or take advantage of any special conditions the Board offers.

Date Issued: \_\_\_\_\_

Chairman: \_\_\_\_\_

Chief Executive Officer: \_\_\_\_\_

\_\_\_\_\_

***Ninth Schedule***  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAW**  
**APPLICATION FOR SINGLE FUNERAL PERMIT**

Name of Applicant .....

Address .....

Name of Deceased .....

Date & Time of funeral .....

Cemetery.....

I hereby make application for a Single Funeral Permit to be issued in relation to the details above and in support of such application I declare as follows—

1. That I have in my possession a doctor's certificate or coroner's order, or in the instance of a cremation a "Permit to Cremate".
2. That in the event of a Burial
  - a) I am the holder of the Grant of Right of Burial for the grave
  - b) I shall produce to the Board the written consent of the holder of the Grant of Right of Burial for me to exercise the Rights to bury the above named deceased person in the grave.
  - c) That without either of the above I will be liable and I indemnify the Board from expenses or damages resulting from the exercise of such Rights.
3. I will complete a Certificate of Identification
4. That the deceased will be enclosed in a substantial coffin bearing the name of the deceased person stamped (or otherwise indelibly inscribed) in legible characters on a metal plate on the coffins lid. (By Law 21)

The casket will be obtained from .....

5. That the vehicle used to transport the body and coffin within the cemetery is a suitable vehicle of the following description—

Make ..... Model ..... Year .....

6. In the event of a permit being issued I will comply with all Cemetery By Laws and conditions prescribed by the Board.

*I being the abovementioned applicant hereby declare that I have read and understand all conditions detailed in this application for a single funeral permit.*

Signature of Applicant ..... Date .....

Office use only	
Received .....	
Referred to Board .....	
Date Approved .....	
Licence Issued .....	

***Tenth Schedule***  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAW**  
**AUTHORITY FOR PLACEMENT OF ASHES**

APPLICATION NO. .....

Of the Late .....

Died ..... Aged .....

To ensure our records are correct please check the above details. Sign where applicable and return to the office.

Please refer to "Memorial Plaques Scale of Fees" brochure for the following—

Placement of Ashes .....

Plaque code ..... \$ .....

The family/friends wish to be present at placement No Yes (please tick) \$ .....

(See "Administration Fees" in the above mentioned brochure)

Location of ashes ..... \$ .....

(If other than Fremantle Cemetery cremation an administration fee is applicable)

Total amount payable ..... \$ .....

If second interment state name of first interment location (if known) .....

*NOTE: Please enclose remittance for total cost as we cannot allocate a memorial location or order a plaque until full payment has been received. this order must be signed by the person to whom this correspondence was addressed.*

Name of Personal Representative .....

Address .....

Telephone Home ..... work .....

Signature ..... Date .....

**Collection by Agent**

Please note: ***THE BOARD WILL NOT RELEASE ASHES TO AN AGENT UNLESS*** the following authority is completed in full.

Full name of person collecting .....

Signature of person collection .....

Signature of person who authorised cremation .....

Date .....

Signature .....

Date .....

***Eleventh Schedule***

**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**

Options

Niche Wall

Memorial Wall

Garden of Remembrance

Ground Niche

Memorial Rose, Tree or Shrub

Family Shrub

Memorial Desk

Granite Seat

Family Grave

Non-standard memorials approved by the Board

Scattering to the Winds

Memorial Gardens

Book of Remembrance



**TO BE COMPLETED BY ALL APPLICANTS**

- 1. Business names and addresses of all branches or premises from which business will be carried on—
  - 1.1 .....
    - Tel ..... Fax .....
    - Email ..... Mobile.....
  - 1.2 .....
    - Tel ..... Fax ..... Email ..... Mobile .....
- 2. Postal address (if different from above)—  
.....
- 3. Number of years for which Applicant has previously held a Monumental Mason's Licence: .....
- 4. Details of offences under the Cemeteries Act, Cremation Act or the Bylaw of any Cemetery for which the Applicant or his or its servants or agents have been convicted—  
.....
- 5. Full name, address and position or capacity of the person completing this application—  
.....  
.....

**TO BE COMPLETED IF APPLICANT IS A COMPANY**

- 6. (a) Full names and addresses of  
(Directors) .....
- .....  
(Manager) .....
- .....  
(Secretary) .....
- .....  
(c) (Registered Office) .....
- .....

**TO BE COMPLETED IF APPLICANT IS A PARTNERSHIP**

- 7. Full names and addresses of  
(Partners) .....
- .....

**TO BE COMPLETED IF APPLICANT IS NEITHER COMPANY NOR PARTNERSHIP**

- 8. Full name and address  
.....  
.....

*I/We agree to observe the following conditions on which the grant of any Monumental Mason's Licence will be made -*

- 1. *Monumental Masons shall observe the Bylaws and Regulations framed by the Fremantle Cemetery Board for the management of the Fremantle Cemetery.*
- 2. *Monumental Masons shall pay to the Fremantle Cemetery Board the appropriate Gazetted charges for all work performed through their monumental application for permits to erect, renovate and additions to monumental memorials within the Fremantle Cemetery.*
- 3. *I understand this licence may be cancelled by the Fremantle Cemetery Board, subject to my right of appeal.*

*I/WE agree to pay the appropriate fee should a Monumental Mason's Licence be granted pursuant to this application.  Please invoice our account  Our cheque is enclosed*

SIGNATURE(S) .....  
BUSINESS NAME .....  
DATE .....

<b>(FCB office use only)</b>			
Date Received: .....	Referred to Board:.....	Date Approved: .....	
Date Licence Issued .....	Invoice No. ....	Receipt No. ....	

**Fourteenth Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**  
 Monumental Mason's Licence

**MONUMENTAL MASON'S LICENCE**

Approval for a Monumental Mason's Licence has been granted to—

Premises where licence will be conducted from and trading as—

is hereby approved for one year commencing 1 July \_\_\_\_\_ to 30 June \_\_\_\_\_ and the following conditions apply—

4. Monumental Masons shall observe the By-laws and Regulations of the Cemetery Board for the management of the Cemetery.
5. The Monumental Permit form must be signed by the owner of the Grant of Right of Burial or their representative as required under By-law 47.
6. Monumental Masons shall pay to the Board the Gazetted charges for all work performed through their application.
7. All Monumental Permits must be submitted to the Board and approved by the Board prior to any monumental work commencing.

Date Issued:

Chairman \_\_\_\_\_ Chief Executive Officer \_\_\_\_\_

**Fifteenth Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**  
**APPLICATION FOR SINGLE MONUMENTAL WORK PERMIT**

I, .....  
 (name) ..... (address) .....

apply for a Single Monumental Permit and agree to observe the following conditions

- 1 I shall observe the By-Laws and Regulations formed by the Cemetery Board for the management of the Cemetery.
- 2 I shall pay to the Board the Gazetted charges for all work performed through this monumental application to erect a monumental memorial within the Cemetery.
- 3 I understand that this permit may be cancelled by the Board subject to my right of appeal.

Monumental By-Laws enclosed.

Signature .....

Date .....

**(FCB office use only)**  
 Application No: \_\_\_\_\_ Refer to Board: \_\_\_\_\_ Approved: \_\_\_\_\_  
 Permit Issued \_\_\_\_\_ Receipt No. \_\_\_\_\_

**Sixteenth Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**

Item No.	Clause	Nature Of Offence	Modified Penalty
1.	47	Unauthorised monumental works	\$100.00
2.	60	Non-removal of rubbish and surplus material	\$80.00
3.	61	Unauthorised removals from cemetery	\$80.00
4.	72(1) (a) & (b)	Excessive speed	\$60.00
5.	72(1)(c), (d), (e)	Unauthorised use—driving, parking, or standing of vehicle	\$40.00
6.	73	Animal at large	\$40.00
7.	74	Unauthorised fireworks or firearms	\$100.00

Item No.	Clause	Nature Of Offence	Modified Penalty
8.	75	Unauthorised removal of property	\$80.00
9.	74	Unauthorised advertising. and/or trading	\$80.00
10.	78	Dumping of rubbish	\$100.00
11.	79	Committing nuisance	\$40.00
12.	80	Entry out of hours	\$50.00
13.	81	Unauthorised swimming or fishing	\$50.00
14.	82	Unauthorised filming	\$50.00
15.	83	Unauthorised camping	\$100.00
16.	82	Unauthorised lighting of fires	\$100.00
17.	85	Disobeying lawful signs	\$50.00
18.		Any other offence	\$40.00

**Seventeenth Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**  
**INFRINGEMENT NOTICE PART 1**

TO: .....  
 (Name)  
 .....  
 (Address)

It is alleged that at ..... am/pm on .....  
 day of ..... 20 ..... at .....

You committed the offence indicated by an 'X' in breach of the Fremantle Cemetery Board By-law clause number.

.....  
 Authorised Officer

- | Offence  | Offence  |
|--|--|
| <input type="checkbox"/> Animal at large                   | <input type="checkbox"/> Excessive Speed in vehicle          |
| <input type="checkbox"/> Entry out of hours                | <input type="checkbox"/> Unauthorised vehicle use            |
| <input type="checkbox"/> Swimming or fishing               | <input type="checkbox"/> Unauthorised removal of property    |
| <input type="checkbox"/> Disobeying lawful signs           | <input type="checkbox"/> Unauthorised advertising or trading |
| <input type="checkbox"/> Unauthorised filming              | <input type="checkbox"/> Dumping rubbish                     |
| <input type="checkbox"/> Unauthorised camping              | <input type="checkbox"/> Committing a nuisance               |
| <input type="checkbox"/> Non-removal of rubbish            | <input type="checkbox"/> Unauthorised fireworks/firearms     |
| <input type="checkbox"/> Unauthorised removal of materials | <input type="checkbox"/> Unauthorised Monumental Work        |
| <input type="checkbox"/> Other offences                    |  |

Penalty \$

You may dispose of this matter—

By payment of the penalty as shown within 21 days of this notice to the Fremantle Cemetery Board, Carrington Street, Palmyra between the hours of 8.30am and 5.00pm Monday to Friday

If neither the prescribed penalty is paid nor representation is made within the time specified, Court proceedings may be instituted against you.

Please make cheque payable to 'Fremantle Cemetery Board', payments by mail should be addressed to the Chief Executive Officer, PO Box 222, Palmyra WA 6957

Do not detach. Please complete Part 2 and present this notice intact when making payment.

**Seventeenth Schedule**  
**CEMETERIES ACT 1986**  
**FREMANTLE CEMETERY BOARD BY-LAWS**  
**INFRINGEMENT NOTICE PART 2**

TO: .....  
 (Name)  
 .....  
 (Address)

It is alleged that at ..... am/pm on .....  
 day of ..... 20 ..... at .....

You committed the offence indicated by an 'X' in breach of the Fremantle Cemetery Board By-law clause number.

.....  
 Authorised Officer

<b>Offence</b>	<b>Offence</b>
<input type="checkbox"/> Animal at large	<input type="checkbox"/> Excessive Speed in vehicle
<input type="checkbox"/> Animal at large	<input type="checkbox"/> Excessive Speed in vehicle
<input type="checkbox"/> Entry out of hours	<input type="checkbox"/> Unauthorised vehicle use
<input type="checkbox"/> Swimming or fishing	<input type="checkbox"/> Unauthorised removal of property
<input type="checkbox"/> Disobeying lawful signs	<input type="checkbox"/> Unauthorised advertising or trading
<input type="checkbox"/> Unauthorised filming	<input type="checkbox"/> Dumping rubbish
<input type="checkbox"/> Unauthorised camping	<input type="checkbox"/> Committing a nuisance
<input type="checkbox"/> Non-removal of rubbish	<input type="checkbox"/> Unauthorised fireworks/firearms
<input type="checkbox"/> Unauthorised removal of materials	<input type="checkbox"/> Other offences
	<input type="checkbox"/> Unauthorised Monumental Work

Penalty \$

I: .....  
 (Name)

of .....  
 (Address)

tender herewith the sum of ..... (insert amount) in settlement of the penalty for the above offence.

..... (insert "cash", "Cheque") being the penalty for such an offence.

..... Dated ..... Signature

\*Please register Notes or Cash otherwise mail is at sender's risk.

***Eighteenth Schedule***

CEMETERIES ACT 1986

**FREMANTLE CEMETERY BOARD BY-LAWS  
 WITHDRAWAL OF INFRINGEMENT NOTICE**

No .....

Date .../.../....

TO (1): .....

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

Penalty (3) \$ ..... is hereby 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.

***Nineteenth Schedule***

CEMETERIES ACT 1986

**FREMANTLE CEMETERY BOARD BY-LAWS  
 ASSIGNMENT OF OWNERSHIP OF GRANT OF RIGHT OF BURIAL  
 (Cemeteries Act 1986 Section 26)**

Western Australia

*The Evidence Act, 1906*

**STATUTORY DECLARATION**

I, .....  
 (print full name) (occupation)

of .....  
 (address)





*Twenty Third Schedule*  
CEMETERIES ACT 1986  
FREMANTLE CEMETERY BOARD BY-LAWS

**Fremantle Cemetery Board**  
**APPLICATION/INSTRUCTION FOR INTERMENT OF**  
**ASHES/BODY IN GRAVE**

Name of Applicant: .....

Address: .....

.....

Name of Deceased: .....

Grave No./Location: .....

Grant of Right of Burial No: .....

*Declaration: (Delete whichever is not applicable)*

I hereby certify that I am the applicant for this interment and have the authority for the use of the above mentioned grave as—

- (a) I am the person whose name the Grant of Right of Burial was issued.
- (b) I am the personal representative of the holder of the Grant of Right of Burial.
- (c) I am the person acting expressly on behalf of the Grant of Right of Burial holder's personal representative.
- (d) None of the above persons are immediately available or ascertainable and I hereby authorise the use of the above-mentioned grave for interment of the remains of the above mentioned deceased.

In making this declaration I hereby indemnify the Fremantle Cemetery Board in the event that there is a dispute over the interment of the ashes/or body of the above-mentioned deceased.

Signature of applicant .....

Date .....

**(FCB office use only)**

Reference No. ....

Grant No. .... Owner of Grant .....

The By-laws were adopted by members of the Fremantle Cemetery Board at a duly convened meeting of the Board held on 26 July 2001.

Given under the Common Seal of the Fremantle Cemetery Board by authority of the Board.

RALPH H. FARDON, Chairman.  
BRIAN J. ADAMS, Chief Executive Officer.

