



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

6161



PERTH, MONDAY, 10 NOVEMBER 1997 No. 196 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

LOCAL GOVERNMENT ACT 1995

**SHIRE OF
AUGUSTA-MARGARET RIVER**

**LOCAL LAW RELATING TO PARKS, RESERVES AND
FORESHORES 1997**

PARKING FACILITIES LOCAL LAW 1997

CEMETERIES LOCAL LAW 1997

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

**LOCAL LAW RELATING TO PARKS, RESERVES AND
FORESHORES 1997**

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LOCAL GOVERNMENT ACT 1995**SHIRE OF AUGUSTA-MARGARET RIVER****LOCAL LAW—RELATING TO PARKS, RESERVES AND
FORESHORES**

In pursuance of the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the council of the abovementioned Local Government hereby records, having resolved on the 26th day of June 1997 to make and submit the following Local Law Relating to Parks, Reserves and Foreshores and to repeal the former By-laws relating to the same.

PART 1—PRELIMINARY**Citation**

1. This Local Law shall be cited as the Shire of Augusta-Margaret River Parks, Reserves and Foreshores Local Law.

Arrangement and Definitions

2. This Local Law is divided into parts as follows—

PART I	PRELIMINARY
PART II	DELEGATED AUTHORITY
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3. In this Local Law unless the context otherwise requires—

“Act” means the Local Government Act 1995.

“Authorised Officer” means an Officer of the Council who is authorised by the Council or has the delegated authority of the Chief Executive Officer of the Council.

“building” is as defined by the Act.

“CEO” means the Chief Executive Officer of the Shire of Augusta-Margaret River.

“Council” means the Council of the Local Government of the Shire of Augusta-Margaret River.

“foreshore” means all the land contiguous to the reserves and parks in or under the care, control or management of the Shire of Augusta-Margaret River which lies between the low water mark and the high water mark of the Indian Ocean and Southern Ocean.

“owner” in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act 1974 in respect of that vehicle, or, if the vehicle is not licensed under the Act, the person who owns the vehicle or is entitled to its possession.

“reserve” means the public reserves or parks vested in or under the care, control or management of the Shire of Augusta-Margaret River but does not include a road reserve.

“vehicle” has the same meaning as is given to that word in the Road Traffic Act 1974 (as amended from time to time) but includes trail bikes, beach buggies and other recreational vehicles whether licensed or unlicensed but does not include a wheel-chair being used by a physically impaired person.

PART 2—DELEGATED AUTHORITY

4. Council may by resolution passed by an absolute majority delegate to the “CEO” as defined in this Local Law, the performance of any function of the Council in relation to this Local Law.

In this Local Law a reference to the Council having powers to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any employee of the Local Government to whom the “CEO” has delegated the exercise of any of the “CEO”s powers or the discharge of any of the “CEO”s duties in relation to this Local Law.

PART 3—GENERAL

5. (1) On a reserve or a foreshore a person shall not—

- (a) throw or discharge any stone, arrow, bullet or other missile;
- (b) commit or cause a nuisance;
- (c) behave in a disorderly manner, create or take part in a disturbance, use foul or indecent language or commit any act of indecency;

- (d) deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind whatsoever except in a receptacle provided for the purpose;
 - (e) alter, damage, deface or remove any part of any building, structure or water system;
 - (f) enter or remain on a reserve or foreshore under the influence of intoxicating liquor or having intoxicating liquor in their possession unless pursuant to a license granted under the Licensing Act
 - (g) take any prohibited drug onto, or consume or use any prohibited drug on a Reserve;
 - (h) play or practice sandboarding, skateboarding or rollerskating except on an area set aside for that purpose;
 - (i) ride a bicycle; or
 - (j) without the prior written consent of the Council land or fly off a helicopter on or from any reserve or foreshore.
6. A person shall not—
- (a) while driving, using or parking any vehicle on any portion of a reserve paved, marked, and/or set aside for the purpose, refuse or fail to comply with all applicable signs, and any order or direction given by an Authorised Officer of the Council;
 - (b) take onto a reserve a vehicle except where—
 - (i) the vehicle is used on roads or parked in parking areas in accordance with directions as specified by clause 3(a);
 - (ii) the vehicle is a wheelchair; or
 - (iii) the vehicle is under the control of an Authorised Officer except where a person is carrying out duties as directed by Council.
7. On a reserve or foreshore a person shall not without the consent of the Council—
- (a) sell, expose for sale or invite any offer to buy any goods, wares, food refreshments, fruit or other merchandise or things (whether of the like kind as the foregoing or not), except in an area set apart for the purpose by the Council and then only with the prior consent of the Council; (Form 3 of the Second Schedule refers)
 - (b) hire, expose for hire, invite any offer to take on hire any vehicle, boat or other vessel or thing (whether of the like kind as the foregoing or not), except in an area set aside for the purpose by the Council and then only with the prior consent of the Council; (Form 3 of the Second Schedule refers)
 - (c) play or practice golf or strike a golf ball except on an area set aside for that purpose;
 - (d) take part in a procession or demonstration;
 - (e) organise, address or participate in a political meeting or rally;
 - (f) use or install a loud speaker or amplifier;
 - (g) distribute or exhibit any printed or written pamphlet, handbill, placard or notice in any manner whatsoever;
 - (h) stamp, stencil, affix, construct or erect or cause to be stamped, stencilled, affixed, constructed or erected any signboard, hoarding, placard, hand bill, notice, advertisement or document whatsoever;
 - (i) light a fire other than in a fire place provided for the purpose where fire places are provided;
 - (j) erect a tent or any other temporary cover for the purpose of entertainment or for the display of any merchandise;
 - (k) unlock or fasten any gate;
 - (l) erect, place, alter or relocate any building, fence, gate, garden furniture, playground equipment, goal post, goal net or flood lighting equipment;
 - (m) camp, lodge or tarry overnight or frequent a public reserve (or car park) for the purpose of camping, lodging or tarrying overnight;
 - (n) fly tethered gas balloons/blimps, kites or model aircraft for the purpose of displaying advertising material;
 - (o) climb over or upon a fence or gate;
 - (p) destroy, damage, injure or cause harm to any bird or animal;
 - (q) damage or injure any plant, lawn, flower, shrub or tree;
 - (r) cut or damage or remove any soil, turf, sand or vegetation;
 - (s) bet gamble or call the odds or offer to bet or gamble;
 - (t) climb or abseil on any cliff;
 - (u) use or install any unauthorised power lines, water pipe or drainage system.
8. On a reserve a person shall not practice or play any game in such a way as to cause inconvenience or annoyance to any other person.
9. No person shall on any foreshore or reserve, wilfully obstruct, disturb, interrupt, or annoy any other person engaged in the proper use thereof of any foreshore or reserve.
10. (a) In this clause reference to an "animal" does not include a dog.
- (b) The Council may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive an animal or onto which a person may bring an animal.

- (c) A person shall not ride or drive or bring an animal onto any reserve or foreshore or any part thereof that has not been set aside for that purpose pursuant to subclause (b) of this clause.
 - (d) A person shall not ride, drive, graze or tether, exercise, train or race any animal on any part of a reserve or foreshore set aside under subclause (b) of this clause in a manner so as to create or become a nuisance.
11. (a) The Council may set aside a reserve or portion of a reserve as an area on which persons may operate any motorised or radio controlled model aeroplane, vehicle or vessel and the Council may define or limit the hours and days when such models may be operated.
- (b) A person shall not operate any motorised or radio controlled model aeroplane, vehicle or vessel on a reserve or portion of a reserve that has not been set aside pursuant to subclause (a) of this clause or at a time or on a day defined or limited by the Council under subclause (a) of this clause.
12. The Council may set aside a reserve or portion of a reserve as a children's playground.
- (a) The Council may, by a notice erected at a children's playground, specify the age of persons permitted to use the play equipment, and no person over that age other than persons having the charge of a child or children under that age in the playground, shall enter or use that playground or equipment or interfere with the use of it, by a child or children under the specified age.
13. (a) In Clauses 10, 11 and 12 of this Local Law the term "function" means and includes any concert, fete, show, exhibition, gymkhana, sport, match or test between opposing teams in any game or any single social gathering consisting of more than 20 persons. The term "activity" includes eco-tourism pursuits.
- (b) No person shall organise, arrange or take part in any function or activity on a reserve or foreshore unless a permit to hold or organise that function has been granted by the Council or the lessee of the ground.
- (c) the Council may grant a permit to a person to hold a function or activity on a reserve or foreshore subject to such conditions as it sees fit. Such permit shall be in the form of the Second Schedule Form 2.
- (d) A permit to hold a function or activity on a reserve or foreshore shall specify—
- (i) the purpose for which such permit is granted;
 - (ii) the dates and times during which the function or activity may be held;
 - (iii) the portions of the reserve or foreshore allocated to the permit holder;
 - (iv) the Council may demand the lodgements in cash of a security bond of up to \$400 for any function or activity or series of functions or activities;
- (e) No person issued with a permit to hold a function or activity shall be authorised to use any building or structure except those open for public use on any reserve or foreshore unless such permission is expressly granted and stated under the conditions of the permit.
14. Subject to Clause 12, no person to whom a permit has been granted shall exclude any member of the general public from attending a function or activity where an admission fee is charged if such person requests admission and pays any required admission charge.
15. (a) No person visibly under the influence of alcohol or acting in a riotous or disorderly manner shall attend a function or activity;
- (b) A person to whom a permit has been granted shall take all possible action to prevent persons under the influence of alcohol or persons acting in a riotous or disorderly manner from attending a function or activity.
16. If the Council is satisfied that the person to whom a permit has been granted has committed or permitted or authorised the commission of a breach of any of the terms or conditions of the permit or has committed a breach of the Local Law it may, by notice in writing to such person, cancel the permit. Nothing in this section prevents an appeal under Part 9 of the Act.
17. (a) The Council may in writing under the hand of the Chief Executive Officer appoint an Officer or Officers to carry out the powers and duties conferred by this Local Law, including authorisation to serve notices under section 9.16 of the Act.
- (b) Any Officer appointed under this clause shall on demand show an identification card or certificate of appointment.
18. A person shall not hinder or interfere with an Officer appointed under Clause 14 of this Local Law in the course of that Officer's duties.
19. Nothing in this Local Law shall be construed so as to inhibit or preclude an employee, contractor or agent of the Council from carrying out his normal lawful duties.
20. A person who does not do a thing which by or under this Local Law he is required or directed to do and a person who does a thing which by or under this Local Law he is prohibited from doing, commits an offence.
21. (a) A person who commits an offence against this Local Law is liable on conviction to a maximum penalty of \$5,000.
- (b) A person who commits an offence of a continuing nature is liable to a further fine not exceeding \$500 in respect of each day or part of a day during which the offence has continued.
22. In Clauses 21 "vehicle offence" means an offence against the Act of which the use, driving, parking standing or leaving of a vehicle is an element.

- 23. The modified penalty for an offence against this Local Law if dealt with under section 9.17 of the Act, is \$100.00
- 24. (a) A notice served under Section 9.13 of the Act in respect of a vehicle offence against this Local Law shall be in or to the effect of Form 1 of the First Schedule of this Local Law;
- (b) An infringement notice served under Section 9.16 of the Act in respect of an offence alleged to have been committed against this Local Law shall be in or to the effect of Form 2 of the First Schedule of this Local Law;
- (c) A notice sent under Section 9.20 of the Act withdrawing an infringement notice served under that section in respect of an offence against this Local Law shall be in or to the effect of Form 3 of the First Schedule of this Local Law;
- (d) No person other than the driver of the vehicle shall remove from the vehicle any notice thereto or left therein or thereon by an Authorised Officer;
- (e) The Council shall cause adequate records to be kept of all infringement notices served and modified penalties received under Section 9.13 of the Act.
- 25. Where applicable Council may impound any goods or equipment which are unlawfully located on any park, reserve or foreshore. Regulation 29 of the Act applies.
- 26. With respect to the disposal of confiscated and uncollected goods, the provisions of Part 3, Division 3, Subdivision 4 of the Act applies.

FIRST SCHEDULE

FORM 1

Local Government Act 1995

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Parks, Reserves & Foreshores

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

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

To:⁽ⁱ⁾

of:⁽ⁱⁱ⁾

It is alleged that at⁽ⁱⁱⁱ⁾.....AM/PM/ on the^(iv) 19.....

at^(v)

your vehicle^(vi) Registration Number.....Make/Model

was involved in the commission of the following offence—

^(vii) Contrary

to Section^(viii).....of the Shire of Augusta-Margaret River Local Law Relating to Parks, Reserves and Foreshores.

Modified Penalty.....\$100.00

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless -

- (a) within 28 days after being served with this notice—
 - (i) you inform the Chief Executive Officer, or another Authorised Officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

Signature

Authorised Officer

- ⁽ⁱ⁾ Name of owner or owner of vehicle identification
- ⁽ⁱⁱ⁾ Address of owner (not required if owner not named)
- ⁽ⁱⁱⁱ⁾ Time at which offence allegedly committed
- ^(iv) Date of alleged offence
- ^(v) Location at which offence allegedly committed
- ^(vi) Registration number, make & model of vehicle
- ^(vii) Details of alleged offence
- ^(viii) Section of Local Law

Form 2

Local Government Act 1995

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating To Parks, Reserves and Foreshores

INFRINGEMENT NOTICE

No.
Date...../...../.....

To:⁽ⁱ⁾
of:⁽ⁱⁱ⁾

It is alleged that at ⁽ⁱⁱⁱ⁾.....AM/PM on the 19.....
at ^(iv)

you committed the following offence—
^(v)

Contrary to Section^(vi).....of the Shire of Augusta-Margaret River Local Law Relating to Parks, Reserves And Foreshores.

The modified penalty of the offence is^(vii) \$.....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the Shire of Augusta-Margaret River within a period of 28 days after the giving of this notice.

Signature
Authorised Officer

- ⁽ⁱ⁾ Name of alleged offender ["owner of (*vehicle identification*)" suffices if notice given with a notice under section 9.13 of the Act]
- ⁽ⁱⁱ⁾ Address of alleged offender [not required if notice given with a notice under section 9.13 of the Act].
- ⁽ⁱⁱⁱ⁾ Time and date when offence allegedly committed.
- ^(iv) Location at which offence allegedly committed
- ^(v) Details of the alleged offence
- ^(vi) Section of Local Law
- ^(vii) Modified Penalty

Form 3

Local Government Act 1995

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating To Parks, Reserves and Foreshores

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

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

To:⁽ⁱ⁾
of:⁽ⁱⁱ⁾

Infringement Notice Number dated...../...../..... for the alleged offence of
has been withdrawn.

The modified penalty of \$

- * has been paid and a refund is enclosed.
- * has not been paid and should not be paid.
- * Delete as appropriate

Signature
Authorised Officer

- ⁽ⁱ⁾ Name of alleged offender to whom infringement notice was given
- ⁽ⁱⁱ⁾ Address of alleged offender

SECOND SCHEDULE

Form 1

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Parks, Reserves and Foreshores

APPLICATION FOR A PERMIT TO HOLD A FUNCTION OR ACTIVITY

I/We
(Full Name(s))

Of
(Address)

hereby apply for a permit to hold a function or activity, namely (describe the function or activity)

.....
.....

on the Foreshore or Reserve or part thereof known as

.....

situated at

.....

for the hours of; Start.....AM/PM Finish.....AM/PM

on the following date(s)

Signature.....

Form 2

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Parks, Reserves and Foreshores

PERMIT TO HOLD A FUNCTION OR ACTIVITY

To
(name)

of
(address)

you are hereby licensed to organise and hold a function or activity namely;

.....
.....
on the *Foreshore or Reserve or part thereof known as

.....

situated at

for the hours of; Start.....AM/PM Finish.....AM/PM

on the following date(s)

under the following conditions—

.....
.....
.....

Hire Charges Applicable \$.....

Signature.....

Chief Executive Officer

N.B.—This permit to hold a function or activity in or on a Council Reserve, Park or Foreshore does not imply or allow any liability in regard to any accident or injury incurred as a result of the issue of this permit.

Form 3
SHIRE OF AUGUSTA-MARGARET RIVER
Local Law Relating to Parks, Reserves and Foreshores
PERMIT TO HIRE OR SELL

To
 (Full Name)

Of
 (Address)

.....
 You are hereby licensed to *hire or sell- (describe goods, merchandise, equipment etc,)

.....

on the *Foreshore/Reserve or part thereof known as

and more particular described as *Foreshore/Reserve number

for a period of months from the date hereof and under the following conditions—

.....

.....

.....

Fee Payable \$.....

*Strike out whichever is not applicable

.....
 Chief Executive Officer.

.....
 Dated the 26th day of June 1997.

The Common Seal of the Shire of Augusta-Margaret River was hereto affixed by Authority of the Council in the presence of—

B. F. GODLEY, Shire President.
 M.T. EASTCOTT, Chief Executive Officer.

.....

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

PARKING FACILITIES LOCAL LAW

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SCHEDULES

LOCAL GOVERNMENT ACT 1995**SHIRE OF AUGUSTA-MARGARET RIVER****LOCAL LAW RELATING TO PARKING FACILITIES**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Local Government hereby records having resolved on the 24th July 1997, to repeal the whole of the Bylaws relating to Parking Facilities published in the *Government Gazette* on 27th February 1987 and amended from time to time thereafter, and to make the following Local Law.

PART 1—PRELIMINARY**Citation**

1. This Local Law shall be cited as the Shire of Augusta-Margaret River Parking Facilities Local Law

Arrangement and Definitions

2. This Local Law is divided into parts as follows—

PART I	PRELIMINARY
PART II	DELEGATED AUTHORITY
PART III	PARKING ON ROADS
PART IV	STANDING AND PARKING GENERALLY
PART V	DISABLED PARKING
PART IV	MISCELLANEOUS SCHEDULES

3. In this Local Law unless the context requires otherwise—

“ACROD Authority” means an authority issued by ACROD Limited (WA Division) for the purpose of identifying vehicles driven by or carrying a disabled person or persons;

“Act” means the Local Government Act 1995;

“appointed place” means a place appointed by the Council to which vehicles causing an obstruction may be removed;

“AS” means Australian Standard published by the Standards Association of Australia;

“authorised person” means a person appointed by the Council to administer the Local Law;

“authorised vehicle” means a vehicle authorised by the Council or an authorised person to stand or park on a road or in a parking facility, which is designated by signs to be used for parking by authorised vehicles only;

“carriageway” means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles. Where a road has two or more of those portions divided by median strip, the expression means each of those portions separately;

“CEO” means the Chief Executive Officer of the Shire of Augusta-Margaret River;

“commercial vehicle” means a vehicle designed for or used for commercial purposes, exceeding the load capacity of one tonne and/or a vehicle designed for or used for industrial purposes;

“Council” means the Council of the Shire of Augusta-Margaret River;

“cycle” means any wheeled vehicle that is designed to be propelled solely by human power;

“disabled parking space” means a part of a road, parking station or parking facility which is identified or marked out by painted lines, symbols, inscriptions or signs as a space either for or restricted to the parking of vehicles driven by or carrying a disabled person or persons.

“driver” means any person driving, or in control of, a vehicle or animal;

“footpath” includes a path used by, or set aside or intended for use by, pedestrians or both pedestrian and cyclists;

“Local Government” means the Shire of Augusta-Margaret River;

“median strip” means—

- (a) any provision dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two (2) one-way carriageways for vehicles proceeding in opposing directions in parking stations;

- (b) any physical provision, including a traffic island, designed to separate parked cars from vehicle movement areas;
- “motor cycle” means a motor vehicle designed to travel on two wheels and does not include a motorcycle to which a sidecar is attached;
- “No Parking Area” means a portion of a carriageway that lies—
- (a) between two (2) consecutive white signs inscribed with a symbol or the words ‘No Parking’, in red lettering and each with an arrow pointing generally towards the other of them; or
 - (b) between a white sign inscribed with a symbol or the words ‘No Parking’ in red lettering, and a dead end or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;
- “No Standing Area” means a portion of a carriageway that lies—
- (a) between two (2) consecutive white signs inscribed with a symbol or the words ‘No Standing’, in red lettering and each with an arrow pointing generally towards the other of them; or
 - (b) between a white sign inscribed with a symbol or the words ‘No Standing’ in red lettering, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;
- “notice” means a notice in the form of Forms 1, 2 and 3 of Schedule 1 issued pursuant to this Local Law;
- “omnibus” means a passenger vehicle equipped to carry more than eight (8) adult persons and used to carry passengers for separate fares;
- “owner of a vehicle” means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under the Act, the person who owns the vehicle or is entitled to its possession;
- “park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law or of immediately picking up or setting down persons or goods and ‘parking’ has a correlative meaning;
- “parking facilities” includes land, buildings, shelters, ticket zones, parking spaces and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with those things;
- “parking region” means the whole of the Municipality of the Shire of Augusta-Margaret River with the exception of—
- (a) all declared highways and main roads;
 - (b) the approach and departure prohibition areas of all traffic control signal installations;
 - (c) prohibition areas applicable to all bridges and subways;
 - (d) any road under the control of the Commissioner of Main Roads.
- “parking space” means a section or part of a road, reserve or a parking station, which is marked or defined by painted lines or by metallic studs or by similar devices for the purpose of indicating where a vehicle may stand or be parked whether on payment of a fee or charge or otherwise;
- “parking station” means any land, building or other structure providing for the purpose of accommodating vehicles with or without charge but does not include a private garage;
- “property line” means the boundary between the land comprising a street, and the land that abuts thereon;
- “public reserve” includes parklands, squares, reserves, beaches and other lands included in or adjoining a district, and set apart for the use and enjoyment of the inhabitants of the district and includes parks and other lands acquired for public purposes, and vested in or under the care, control and management of the Council;
- “road” means any road, street, lane, thoroughfare or similar place within the parking region and includes all of the land lying between the property lines including the street verge and footpath;
- “Road Traffic Act” means the Road Traffic Act 1974;
- “service vehicle” means a vehicle specifically designed, constructed and used primarily for the conveyance of goods but does not include service type vehicles being used for private purposes;
- “sign” means a traffic sign, mark, structure, symbol or device placed or erected on or near a road or within a parking facility or a reserve for the purpose of regulating, guiding or directing, the parking of vehicles;
- “stand” in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or complying with the provisions of any law, and ‘standing’ has a correlative meaning;
- “street” has the same meaning as “road”;
- “street verge” means that portion of a street which lies between the portion of a street that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line;
- “symbol” includes any symbol specified by Australian Standard 1742.11-1989 for use in the regulation of parking, and any reference to the wording of any sign in this Local Law shall also be deemed to include a reference to the corresponding symbol;
- “taxi” means a vehicle licensed under the Taxi-Car Control Act 1985;

“tour coach” means any vehicle licensed as a tour coach which is hired or chartered for the specific purpose of sightseeing or tourism;

“trailer” means a vehicle (not including a semi-trailer) drawn by another vehicle but not including a sidecar attachment to a motor cycle or any vehicle that comes within the description of a caravan in the Road Traffic Act;

“vehicle” includes—

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden.

Application of Local Law

4. This Local Law shall apply to all parking stations and parking facilities in the parking region, however, the provisions of this Local Law shall not apply to any parking facility or parking station—

- (a) which is neither owned, controlled, nor occupied by the Local Government; or
- (b) which although owned by the municipality, is leased to another person.

Vehicle Classification

5. For the purpose of this Local Law vehicles are, divided into the following classes—

- (a) omnibuses;
- (b) service vehicles;
- (c) motor cycles;
- (d) taxis;
- (e) commercial vehicles;
- (f) tour coaches; and
- (g) all other vehicles not otherwise classified

Application of Signs

6. (1) Where the standing or parking of vehicles in a street is regulated by a sign then the sign shall for the purposes of this Local Law apply to that part of the street which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign; and
- (c) is that side of the carriageway of the street nearest to the sign;

(2) For the purposes of this Local Law a sign may prohibit or regulate parking or standing by the use of any symbol or other traffic control device in accordance with AS.1742.11.

PART 2—DELEGATED AUTHORITY

7. Council may by resolution passed by an absolute majority, delegate to the “CEO” as defined in this Local Law, the performance of any function of the Council in relation to this Local Law.

In this Local Law a reference to the Council having powers to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any employee of the Local Government to whom the “CEO” has delegated the exercise of any of the “CEO”s powers or the discharge of any of the “CEO”s duties in relation to this Local Law.

PART 3—PARKING ON ROADS

Establishing and Amending the Parking Scheme

8. The Council may by resolution constitute, determine, vary and indicate by signs—

- (a) prohibitions;
- (b) regulations; and
- (c) restrictions;

on the parking and standing of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all times or at specified times, but this discretionary authority shall not be exercised in a manner inconsistent with the provisions of this Local Law.

Standing or Parking Contrary to Signs

9. (1) A person shall not stand a vehicle on a road or part of a road—

- (a) if that road or part of the road is set apart for the standing of vehicles of a different class;
- (b) upon which the standing of vehicles is prohibited at all times by a sign; or,
- (c) upon which the standing of vehicles at that time is prohibited by a sign.

(2) A person shall not park a vehicle on a road or part of a road—

- (a) if that road or part of the road is set apart for the parking of vehicles of a different class;
- (b) upon which the parking of vehicles is prohibited at all times by a sign; or,
- (c) upon which the parking of vehicles at that time is prohibited by a sign.

(3) A person shall not stand or park a vehicle on any part of road whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

Occupied Parking Spaces

10. A person shall not stand or park or attempt to stand or park a vehicle in a parking space in which another vehicle is standing or parking.

Median Strips and Traffic Islands

11. A person shall not stand or park a vehicle on any part of a road so that any portion of the vehicle is—

- (a) on a median strip;
- (b) adjacent to a median strip otherwise than in a parking space; or
- (e) on, or within nine (9) metres of any portion of a carriageway bounded on one or both sides by a traffic island.

Parking Position on Road

12. (1) A person shall not stand or park a vehicle or permit a vehicle to stand or park on any road otherwise than—

- (a) parallel to the kerb and as close to the kerb as practical;
- (b) headed in the direction of the movement of traffic on the part of the road on which the vehicle is parked;
- (c) wholly within a parking space if the part of the road upon which the vehicle is standing or parked is provided with parking spaces.

(2) A person shall not stand or park a vehicle in a parking space which is not set out parallel to a kerb otherwise than wholly within that parking space.

Parking Near Fire Hydrant and Post Box

13. (1) A Person shall not stand or park a vehicle on a road so that any portion of the vehicle is within one metre (1) of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug.

(2) A person shall not stand or park a vehicle within three (3) metres of a public post box, unless the vehicle is being used for the purpose of collecting postal articles from the post box.

Traffic Obstructions

14. A person shall not stand or park a vehicle so that any portion of the vehicle is—

- (a) in front of a right of way, passage or private drive or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, passage or private drive;
- (b) upon an intersection except adjacent to a carriageway boundary that is broken by an intersecting carriageway;
- (c) within six (6) metres of the nearest property line of any road intersecting the road on the side on which the vehicle is standing or parked;
- (d) alongside any hoarding, scaffolding, obstacle or impediment to traffic; or
- (e) on or over a footpath or a place of refuge for pedestrians.

Double Parking

15. A person shall not stand or park a vehicle on a road so that a portion of the vehicle is between any vehicle which is parked or standing on a carriageway of that road and the centre of that road.

Verge Parking

16. (1) A person shall not stand or park a vehicle on a street verge where signs prohibit the standing or parking of vehicles on that verge.

(2) A person, not being the occupier of the land abutting on to a street verge, shall not without consent of that occupier, drive, park or stand a vehicle upon that verge.

Bus Stops, Pedestrian and Children's Crossings

17. (1) A person shall not stand a vehicle on a road so that any portion of the vehicle is within nine (9) metres of the departure side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here', unless that vehicle is an omnibus taking up or setting down passengers; or
- (b) a pedestrian or children's crossing established on a road.

(2) A person shall not stand a vehicle on a road so that any portion of the vehicle is within eighteen (18) metres of the approach side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here', unless that vehicle is an omnibus taking up or setting down passengers; or
- (b) a pedestrian or children's crossing.

(3) A person shall not permit a vehicle to stand or park in a parking space which is set aside for use by omnibuses except for the purpose of taking up or setting down passengers to or from such vehicle.

Direction to Move Vehicles

18. A person shall not permit a vehicle to stand or park in any part of a street, if any authorised person or member of the Police Force directs the driver of such vehicle to move it.

Loading Zones

19. (1) A person shall not permit a vehicle to stand or park in a parking space which is at that time set aside for use by service vehicles carrying commercial goods unless some person is actively engaged in

loading or unloading commercial goods to or from the vehicle, and in any case not for a period longer than fifteen (15) minutes.

(2) In this clause, 'commercial goods' means an article or collection of articles weighing at least ten (10) kg of which the content is at least 0.3 cubic metres.

(3) A parking space may be set aside for use by service vehicles by a sign marked 'Loading Zone' or by other means.

Repairs to Vehicles and Vehicles Exposed for Sale

20. A person shall not park a vehicle on any portion of a street—

- (a) for the purpose of effecting repairs to it, other than the minimal repairs necessary to enable the vehicle to be moved to a place other than a road; or
- (b) if the vehicle is exposed for sale.

PART 4—STANDING AND PARKING GENERALLY

Cycle Parking and Standing

21. A person shall not park or stand any cycle in a parking space.

Authorised Parking

22. A person shall not, without the permission of the Council or an authorised person, stand or park a vehicle, other than an authorised vehicle, in an area designated by signs for the parking of authorised vehicles only.

Private Property

23. A person shall not stand or park or permit a vehicle to stand or park on land which is not a road or parking facility without the consent of the owner or person in occupation of such land.

Service Vehicle/Trailer Parking

24. (1) A person shall not park a service vehicle, commercial vehicle or trailer—

- (a) on a street verge for more than four hours consecutively; or
- (b) on a street verge for the purpose of repairing, servicing or cleaning that vehicle.

(2) A person shall not park a service vehicle, commercial vehicle or trailer on a road or street verge within six (6) metres of where that road or street verge meets or intersects with another road or street verge.

Overlength Vehicle Parking

25. A person shall not stand a vehicle or any combination of vehicles that, together with anything in or on that vehicle or vehicles is more than eight (8) metres in length on a carriageway for any period exceeding one (1) hour during any twenty four (24) hour period.

Chalking of tyres

26. (1) An authorised person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of that authorised person's duties and powers.

(2) A person shall not remove a mark made by an authorised person so the purpose of the affixing of such mark is defeated or likely to be defeated.

Parking on Reserves

27. A person shall not stand or park a vehicle in a public reserve, other than within a parking facility on that reserve, without the permission of the Council or an authorised person.

Lawfully Parked Vehicles

28. A vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked does not cause an obstruction, unless—

- (a) the vehicle is so parked for any period exceeding twenty four (24) hours, without the consent in writing of the Chief Executive Officer of the Council or authorised person; or
- (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

Unlawfully Parked Vehicles—Obstruction

29. (1) A person shall not park a vehicle in a public place so as to cause an obstruction.

(2) A vehicle is deemed to be causing an obstruction if—

- (a) it is stood or parked so as to cause obstruction to the passage of any traffic, pedestrians or cyclists in a street or public place;
- (b) it is parked in a public place where vehicles may not lawfully be parked;
- (c) it is not fitted with an identification tablet or plate;
- (d) it is apparently abandoned; or
- (e) it is in an unsafe condition.

Removal of Vehicles

30. Where an authorised person or Police Officer finds a vehicle causing an obstruction that person or Officer—

- (a) may remove the vehicle;
- (b) may use such force as is necessary to enter the vehicle for the purpose of so removing it; and
- (c) if that person or Officer removes the vehicle, shall take it to an appointed place.

Recording of Vehicles in Appointed Places

31. Where an authorised person or Police Officer places a vehicle in an appointed place, that person or Officer shall enter in a register to be provided by the Council for that purpose—

- (a) details of the time and date;
- (b) description of the vehicle; and
- (c) the place from which it was removed, and shall notify the Chief Executive Officer of the Council.

Notification to Owner

32. The Chief Executive Officer of the Council shall notify, in writing, the last known owner of the vehicle removed to an appointed place, of the removal of that vehicle.

Recovery of Removed Vehicles

33. (1) A person may recover a vehicle from an appointed place, after paying to the Chief Executive Officer of the Council—

- (a) the cost incurred by the Council in removing the vehicle to the appointed place; and
- (b) the sum of \$10 per day or part of a day that the vehicle has remained in the appointed place.

(2) A person who removes a vehicle from an appointed place without complying with the provisions of this clause commits an offence.

Sale of Removed Vehicles

34. Where a vehicle placed in an appointed place has not been recovered by the owner or person entitled to it within one month from the day upon which it was placed there, the Council may—

- (a) cause the vehicle to be offered for sale by public auction or by public tender,
- (b) accept the best offer made; and
- (c) where no offer is made for the purchase of the vehicle, cause the vehicle to be destroyed.

Indemnity

35. A person is not entitled to any claim, by way of damages or otherwise, against an authorised person, member of the Police Force, or the Council in respect of any vehicle seized and dealt with under this part or against any person who purchases a vehicle sold by Council under clause 33.

Application of Sale Proceeds

36. (1) The proceeds of the sale of a vehicle sold under the provisions of clause 33 shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the costs referred to in clause 32(1), and these sums shall be paid into the Municipal Fund.

(2) Any surplus of the proceeds of the sale shall be paid by the Council into its Trust Fund, and may be paid within ten years, to any person who satisfies the Council that they were the owner of the vehicle at the time of its sale by the Council.

(3) Any amounts under clause 35(2) may, if not paid to the owner within ten years, be paid into the Municipal Fund, on the condition that the Council shall repay it from that fund to a person claiming and establishing their right to that repayment.

Recovering of Costs Where Sale Proceeds Insufficient

37. Where the proceeds of the sale of any vehicle sold under clause 33, after deduction of the moneys authorised to be applied by the Council by clause 35(1), do not cover the costs of the removal, custody and sale or disposal of that vehicle, the Council may recover the balance of these costs from the owner of that vehicle in a court of competent jurisdiction.

PART 5—DISABLED PARKING**Disabled Parking**

38. A person shall not stand or park a vehicle in a disabled parking space unless an ACROD authority is displayed on the front windscreen of the vehicle and is clearly visible and able to be read by an authorised person from outside the vehicle

PART 6—MISCELLANEOUS**Affixing Signs and Notices**

39. A person shall not without the permission of the Council affix any board, sign, placard, notice or other thing to or paint or write upon any part of a parking station.

Appointment of Authorised Persons

40. The Council may appoint a person as an authorised person for the purposes of this Local Law.

Impersonation of Authorized Person

41. A person who is not an authorised person shall not in any way assume the duties of an authorised person.

Obstruction of Authorised Person

42. A person shall not in any way obstruct or hinder an authorised person in the execution of any duty under this Local Law.

Form 1—Original Notice

43. An infringement notice served under Section 9.16 of the Act in respect of an offence against this Local Law shall be in or to the effect of Form 1 of Schedule 1 of this Local Law.

Form 2—Notice to Owner to Identify Driver

44. A notice served under of Section 9.13 of the Act in respect of an offence alleged to have been committed against this Local Law shall be in or to the effect of Form 2 of Schedule 1 of this Local Law.

Form 3—Withdrawal Notice

45. A notice sent under Section 9.20 of the Act withdrawing an infringement notice served under that section in respect of an offence alleged to have been committed against this Local Law shall be in or to the effect of Form 3 of Schedule 1 of this Local Law.

Removal of Notice

46. A person other than the driver of the vehicle shall not remove from that vehicle any notice affixed to or on it by an authorised person or a member of the Police Force.

Offence

47. Any person who contravenes or fails to comply with the provisions of this Local Law commits an offence and is liable upon conviction to a penalty not exceeding \$5000.00

Modified Penalties

48. The amount appearing in column 4 of Schedule 2 is the modified penalty for an offence if the offence is dealt with under Section 9.16 of the Act.

Recovery of Penalties

49 A penalty, other than a modified penalty, for an offence against this Local Law, may be recovered from the alleged offender by the Council in proceedings in a Court of Petty Sessions

FIRST SCHEDULE

Form 1

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Parking

PARKING INFRINGEMENT NOTICE

No

To the owner of the vehicle, registration number Make.....
Type

It is alleged that at.....am/pm, on the 19.....
at (location)

you committed a breach of the Shire of Augusta -Margaret River Parking Facilities Local Law as indicated below by a cross (x).

- | | |
|--|---|
| <input type="checkbox"/> Causing an Obstruction | <input type="checkbox"/> Parking contrary to traffic direction |
| <input type="checkbox"/> Standing on private land without consent | <input type="checkbox"/> Parking in a No Parking Area |
| <input type="checkbox"/> Not wholly within a parking stall | <input type="checkbox"/> Standing on/over a footpath |
| <input type="checkbox"/> Standing on a verge | <input type="checkbox"/> Standing in a No Standing Area |
| <input type="checkbox"/> Standing in a Taxi or Bus/Tourist Coach Stand | <input type="checkbox"/> Unauthorised use of Disabled Parking Bay |
| <input type="checkbox"/> Standing a Non-Commercial Vehicle in a Loading/Truck Zone | <input type="checkbox"/> Other offence not classified of which the use, parking, standing or leaving of a vehicle is an element |

Signature of Authorised Person.....Penalty: \$.....

If you do not wish to have a complaint of the above offence heard and determined by a Court, you may pay the modified penalty within twenty-eight (28) days after the date of service of the notice.

Unless within twenty-eight (28) days after the date of the service of this notice you—

- (a) inform the Chief Executive Officer, Shire of Augusta-Margaret River in writing as to the identity and address of the person in charge of the above vehicle at the time of the offence; or
- (b) satisfy the Chief Executive Officer, Shire of Augusta-Margaret River that the above vehicle had been stolen or was unlawfully used at the time of the above offence.

YOU WILL IN THE ABSENCE OF PROOF TO THE CONTRARY, BE DEEMED TO HAVE COMMITTED THE ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

Payment may be made by either posting this form together with the amount mentioned above, to the Chief Executive Officer, Shire of Augusta-Margaret River, PO Box 61, Margaret River 6285 or by delivering this form and paying the amount at the Shire Office, Town View Tce., Margaret River between 8am to 4.30pm Mondays to Fridays.

Form 2

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Parking

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

DATE—

To:

Infringement Number

Date of Service

The Driver of Vehicle, Make Reg. Number.....

You are hereby notified that it is alleged that on at abouthrs., the driver or person in charge of the above vehicle did

in contravention of the provisions of clause number.....of the Shire of Augusta-Margaret River Parking Facilities Local Law.

YOU WILL IN THE ABSENCE OF PROOF TO THE CONTRARY, BE DEEMED TO HAVE COMMITTED THE ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

Unless within twenty-eight (28) days after the date of the service of this notice you—

- (a) inform the Chief Executive Officer, Shire of Augusta-Margaret River in writing as to the identity and address of the person in charge of the above vehicle at the time of the offence; or
- (b) satisfy the Chief Executive Officer, Shire of Augusta-Margaret River that the above vehicle had been stolen or was unlawfully used at the time of the above offence.

Payment may be made by either posting this form together with the amount mentioned above, to the Chief Executive Officer, Shire of Augusta-Margaret River, PO Box 61, Margaret River 6285 or by delivering this form and paying the amount at the Shire Office, Town View Tce., Margaret River between 8am to 4.30pm Mondays to Fridays.

.....
Chief Executive Officer

Form 3

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Parking

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Shire Offices
Town View Terrace
(Post Office Box 61)
MARGARET RIVER WA 6285
DATE:.....

To

Infringement number :
 Date —
 Time —
 Offence —

Take notice that I, being authorised to do so, hereby withdraw proceedings in relation to the above infringement notice.

Authorised Person.....

SECOND SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Parking

MODIFIED PENALTIES

<u>Item No.</u>	<u>Clause</u>	<u>Nature of Offence</u>	<u>Modified Penalty</u> \$
1	9(1)(a)	Standing on part of a road set apart for vehicles of a different class.	50
2	9(1)(b)	Standing or Parking in a No Standing Area.	50
3	11(a)	Standing or parking on or adjacent to a median strip.	50
4	12(b)	Parked not facing the direction of traffic movement	50
5	13(1)	Standing or parking within 1 metre of a fire hydrant.	50
6	13(2)	Standing or parking within 3 metres of a public post box	50
7	14(a)	Parking in front of a driveway.	50
8	14(b)	Parking on an intersection.	50
9	14(c)	Standing within 6 metres of an intersection.	50
10	14(e)	Parking on/over a footpath.	50
11	15	Double parking.	50
12	17(1)	Standing within 9 metres of the departure side of omnibus stop, pedestrian or children's crossing.	50
13	17(2)	Standing within 18 metres of the approach side of omnibus stop, pedestrian or children's crossing.	50
14	17(3)	Standing or parking in an omnibus stand.	50
15	18	Failing to move vehicle after direction.	50
16	22	Unauthorised parking.	50
17	23	Standing or parking on private property without consent	50
18	26(2)	Removing a chalk mark.	50
19	27	Parking on a reserve.	50
20	29	Parking so as to cause an obstruction.	50
21	9(2)(a)	Parking on part of a road set aside for vehicles of a different class.	40
22	9(2)(b)	Parking in a No Parking Area.	40
23	10	Standing or parking in an occupied parking space.	40
24	12(a)	Parking too far from the kerb.	40
25	12(1)(c)	Parking outside parking space marked on road.	40
26	12(2)	Parking not within the confines of a marked parking stall.	40
27	14(d)	Parking next to a traffic obstruction.	40
28	16	Standing or parking on a verge contrary to a sign or without consent.	40
29	19(1)	Standing or parking in a loading zone without loading/unloading.	40
30	20	Parking on a street to repair or sell.	40
31	24	Parking a service vehicle on a street verge for more than 4 hours or to repair it.	40
32	25	Overlength vehicle parking.	40
33	38	Standing or parking in an ACROD bay not displaying current authority.	80

<u>Item No.</u>	<u>Clause</u>	<u>Nature of Offence</u>	<u>Modified Penalty</u>
34		All other offences not classified of which the use, parking, standing or leaving of a vehicle is an element.	\$ 25

Dated the 24th day of July 1997.

The Common Seal of the Shire of Augusta-Margaret River was hereto affixed by Authority of the Council in the presence of—

B. F. GODLEY, Shire President.

M. T. EASTCOTT, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

CEMETERIES LOCAL LAW

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SCHEDULES

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

CEMETERIES LOCAL LAW

1. In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Local Government hereby records, having resolved on the 26th day of June 1997, to repeal the By-laws made by the Shire of Augusta-Margaret River as Trustees of the Augusta-Margaret River Public Cemetery under the provisions of the Cemeteries Act 1897, published in the *Government Gazette* on April 1st, 1988 and amended from time to time thereafter, and to make the following Local Law.

PART I—PRELIMINARY**Citation**

2. This Local Law may be cited as the Shire of Augusta-Margaret River Public Cemetery Local Law 1997, in respect of the Margaret River Public Cemetery located at Reserve Number 12298 and Karridale Public Cemetery located at Reserve Number 4236.

ARRANGEMENT AND DEFINITIONS

3. This Local Law is divided into parts as follows—

PART I—PRELIMINARY**PART II—ADMINISTRATION****PART III—RIGHTS OF BURIAL—**

Division 1 Private Graves

Division 2 Public Graves

PART IV—APPLICATIONS FOR FUNERALS—

Division 1 Application

Division 2 Times for Funerals

PART V—FUNERAL DIRECTORS**PART VI—SINGLE FUNERAL PERMITS****PART VII—FUNERALS**

Division 1 General

Division 2 Placement of Ashes

Division 3 Burial

PART VIII—MONUMENTAL AND OTHER WORK

Division 1 Monumental Work

Division 2 Lawn Section

Division 3 Memorial Plaques

Division 4 General

Division 5 Licensing of Monumental Masons

Division 6 Single Monumental Work Permit

PART IX—GENERAL**PART X—OFFENCES AND MODIFIED PENALTIES**

3. In this Local Law unless the context requires otherwise;

“Act” means the Cemeteries Act, 1986;

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

“Authorised Officer” means an officer or employee of the Council authorised by the Council to exercise any power conferred by an Act of Parliament of this Local Law;

“burial” has the same meaning as is given to it in the Act;

“cemeteries” means all cemeteries which the Governor by order has vested under the care, control and management of the Trustees.

“cemetery” means any one of the Cemeteries;

- “Council” means the Council of the Shire of Augusta-Margaret River.
- “CEO” means the Chief Executive Officer of Shire of Augusta-Margaret River.
- “crypt” has the same meaning as vault;
- “crematorium” has the same meaning as is given to it in the Cremation Act 1927.
- “dead body” has the same meaning as that expression in the Act;
- “funeral” includes the burial and cremation of a dead body and all associated processions and ceremonials but does not include so much of a ceremonial that is solely a religious rite;
- “funeral Director” means a person, firm, or company holding a current funeral director’s licence;
- “funeral director’s licence” means a licence issued by the Council in accordance with clause 19 which entitles the holder to conduct funerals at the Cemeteries.
- “grant” means a grant of an exclusive right of burial in a specified area of a Cemetery which is granted by the Council in accordance with section 25 of the Act;
- “headstone” means an upright memorial, usually of stone, set at the head of a grave;
- “holder” in relation to a Grant includes—
- (a) a person issued with a Grant by the Council in accordance with clause 5;
 - (b) a person for the time being appearing to the Council to be the Holder of that Grant;
- “memorial” has the same meaning as is given to it in the Act;
- “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 mason’s licence” means a licence issued by the Council in accordance with clause 53 which entitles the holder to carry out monumental works within a Cemetery;
- “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—
- (a) the administrator of the estate or executor of the will of a deceased person;
 - (b) the person who, by law or practice, has the best right to apply for administration of the estate of a deceased person; or
 - (c) a person having the lawful custody of a dead body;
- “private grave” means a grave situated in a Cemetery in respect of which a Grant has been made under and in accordance with the Act and this Local Law;
- “public grave” means a grave situated in a Cemetery which is not a “private grave”;
- “set fee” refers to fees and charges set by a resolution of the Council and published in the Government Gazette in accordance with section 53 of the Act;
- “single funeral permit” means a permit issued by the Council in accordance with clause 23 which entitles the Holder to conduct a funeral at the Cemetery for the deceased persons named in the permit;
- “vault” means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Council;
- “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 wheel chairs being used by a physically impaired person.

PART II—ADMINISTRATION

Plans and Registers

4. (1) The Council 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 each Cemetery;
 - (d) a register of persons cremated whose ashes have been buried or disposed of in the 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 Council and upon payment of the set fee.

PART III—RIGHTS OF BURIAL

Division 1—Private Graves

Issuing Grants

5. Upon—
- (a) the written application of a person; and
 - (b) payment of the set fee,
- the Council may issue to that person a Grant of Right of Burial for a term of 25 years.

Rights of a Holder

6. (1) Subject to the provisions of this Local Law and to the prior approval of the Council, a Grant confers upon the Holder thereof 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 a private grave; during the term of the Grant.

(2) Notwithstanding sub-clause (1), the Council shall in its absolute discretion determine from time to time the number of dead bodies or ashes which may be placed in each private grave.

(3) The Council or an Authorised Officer may request the Holder to produce the Grant before the exercise of any of the rights referred to in sub-clause (1) and the Holder shall forthwith upon request deliver the Grant to the Council.

Renewal of a Grant of Right of Burial

7. (1) The Council may upon—

- (a) the written application of a Holder upon the expiry of a Grant; or
- (b) the written application of a Holder within the period of one (1) month after the burial of a deceased person in a private grave (or such longer period as the Council may approve);
- (c) payment of the fee referred to in sub-clause (2), issue a new Grant with respect to that private grave,

renew the Grant of Right of Burial.

(2) The set fee for the issue of a new Grant pursuant to this clause is a sum calculated in accordance with the following formula—

$$\frac{A \times B}{25}$$

where—

“A” means the number of complete years of the term of the preceding Grant that have expired; and

“B” means the set fee for a twenty five (25) years Grant.

(3) The Council may request the Holder to deliver the existing Grant to it prior to making a new Grant

(4) The Holder shall forthwith upon receiving a request by the Council in accordance with sub-clause (3) deliver the existing Grant to the Council.

(5) The Council shall not issue a new Grant in respect of a private grave unless a burial has taken place more than five (5) years after the commencement of the term of the existing Grant.

Replacement of a Grant

8. (1) The Council may;

- (a) upon the written application of a Holder; and
- (b) upon the production of evidence to the satisfaction of the Council, issue a new Grant to replace a Grant which is lost or destroyed. Notwithstanding sub-clause (1) the Council may, prior to issuing a replacement Grant, require the Holder to make a statutory declaration substantially in the form prescribed in the First Schedule.

(2) A replacement Grant issued by the Council shall be deemed to be the original Grant.

Transfer of Grant

9. A Holder who desires to transfer a Grant to another person shall make an application to the Council in the form prescribed in the Second Schedule and upon receipt of the application the Council may grant permission in accordance with section 26 of the Act.

Exercising the Rights of a Holder

10. If evidence is produced in writing to the satisfaction of the Council that the Holder is unavailable or not immediately ascertainable, or has died and has not specifically bequeathed the Grant, then the rights conferred upon that Holder may be exercised by the Holder's personal representative or a person acting expressly on behalf of the personal representative. If those persons are unavailable or not immediately ascertainable, then the Council may approve a declaration as detailed in the Application for Burial prescribed in the Third Schedule.

*Division 2—Public Graves***Allocation of Public Graves**

11. (1) The allocation of a public grave to a person by the Council shall not confer any right upon that person other than the right to inter in the public grave the deceased person for whom it was requested.

(2) The Council shall retain all rights and powers in respect of every public grave allocated in accordance with the sub-clause (1) as if the public grave were held by it prior to the allocation and the Council may, without limitation, re-open the grave to—

- (a) disinter and reinter the remains buried therein;
 - (i) in the same grave;
 - (ii) in another grave within the Cemetery; or

- (iii) elsewhere in accordance with the Act;
- (b) disinter and cremate the remains buried therein; or
- (c) inter further remains of other deceased persons.

PART IV—APPLICATION FOR FUNERALS

Division 1—Applications

Application to hold a Funeral

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

- (a) make an application to the Council 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 Council that the Holder of that Grant has consented to or would not object to the burial; or
 - (ii) an application for a Grant or an application for a Grant of Right of burial in a public grave.

(2) All applications referred to in sub-clauses 12(1)(a) & (b) 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 13.

(3) All applications to hold a funeral must be lodged at the office of the Council in such time as to permit at least fortyeight (48) hours notice to be given prior to the time requested to be fixed for the funeral.

(4) All applications to hold a funeral on a Saturday must be lodged at the office of the Council no later than fortyeight (48) hours before the funeral unless a later time is approved by the Council.

Certificate of Identification

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

the Funeral Director shall complete the form prescribed in the Fifth Schedule.

Division 2—Times for Funerals

Receipt of the Application for a Funeral

14. Upon receipt of a properly completed application form and all other things required by this Local Law the Council shall—

- (a) fix a time for the funeral; and
- (b) dig or reopen any grave that is required or reserve the venue for an installation of ashes (as the case may be).

Fixing Time for a Funeral

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

Times for Burials

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

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

Monday to Saturday—8.00am to 4.00pm.

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

Admittance of Coffins

17. A person shall not bring a coffin into a Cemetery other than during the hours referred to in clause 16 (1) (c), except with the written permission of the Council.

PART V—FUNERAL DIRECTORS**Directing a Funeral**

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

- (a) a Funeral Director;
- (b) an employee of the Funeral Director; or
- (c) the holder of a single funeral permit issued in accordance with clause 23.

Funeral Director's Licence

19 (1) The Council may upon receipt of an application in writing by any person in the form prescribed in the Sixth Schedule and upon payment of the set fee, issue to the applicant a funeral director's licence authorising the holder to direct funerals within a Cemetery at such times and on such days and subject to such conditions as the Council shall specify upon the issue of that licence or in this Local Law.

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

(3) Any 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 Council an application form prescribed in the Fourth Schedule and upon payment of the set fee.

Period of Licence

20. (1) A funeral director's licence—

- (a) shall be valid from the date specified therein until the 30th day of June next following the date of commencement of the licence or until the licence is determined pursuant to clause 22, which ever shall occur sooner; and
- (b) shall not be transferable.

Responsibilities of the Holder of a Funeral Director's Licence

21. The holder of a funeral director's licence shall be responsible for compliance by every person authorised to direct a funeral within a Cemetery pursuant to that licence—

- (a) with all the requirements of—
 - (i) the licence,
 - (ii) this Local Law,
 - (iii) the Act; and
 - (iv) any conditions imposed by the Council in respect of that licence.

Cancellation of a Funeral Director's Licence

22. (1) The council 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 of the holder has committed a breach of this Local Law, the Act, the Cremation Act 1927 or any of the conditions upon which the licence was issued;
- (b) in the opinion of the Council, 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 a Cemetery is inappropriate or unbecoming;
- (c) the holder of the funeral director's licence has attempted 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 the Act or this Local Law; or
- (g) the Council is no longer satisfied that the holder of the funeral director's licence—
 - (i) is of good repute and is fit to hold a funeral director's licence; or
 - (ii) has suitable facilities and equipment for handling and storing dead bodies and conducting funerals.

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

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

23. The Council may upon receipt of any application in writing by any person in the form prescribed by the Eighth Schedule and upon payment of the set fee, issue to the applicant a single funeral permit. This authorises the holder to direct the funeral of the person named in the permit within a Cemetery, at such time and subject to such conditions as the Council shall specify upon the issue of that permit or in this Local Law.

Specifications and Details

24. Every application for a single funeral permit made in accordance with clause 23 shall include coffin specifications and details of the vehicle transporting the dead body to the grave site.

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

25. (1) A person shall not bring a dead body into a Cemetery unless—
- (a) the Council has received an application for the burial or interment of that dead body in accordance with clause 12;
 - (b) it is enclosed in a coffin which in the opinion of the Council is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
 - (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10mm in height.

Funeral Processions

26. (1) Where—
- (a) a funeral procession fails to arrive at a Cemetery at the time fixed by the Council for the funeral; or
 - (b) all the forms prescribed by this Local Law to hold and direct a funeral at a Cemetery are not presented to an Authorised Officer at a Cemetery at the time fixed by the Council for the funeral,

then the applicant who applied to hold the funeral under clause 12 shall pay the set fee for being late or make a written application to the Council requesting another time to be fixed for the funeral.

Requirements As To Urns

27. (1) Containers for ashes—
- (a) should not exceed the standard urn size of 20cm x 12cm x 9cm, if they are to be interred in the niche walls.
 - (b) Lead Strip requirement—
 - (i) the lead strip referred to in clause 25(1)(c) must be placed in the ashes container before interment.

Division 2—Placement of Ashes

28. (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 installation of ashes referred to in clause 14(b); or
 - (b) wishes to vary the directions for the placement of ashes specified in the application for installation of ashes referred to clause 14(b),

then the personal representative may apply to the Council in the form prescribed by the Ninth Schedule for permission to dispose of the ashes in a Cemetery and upon payment of the set fee, the Council may grant permission for the ashes to be disposed of by one of the methods specified in the Tenth Schedule.

- (2) Subject to sub-clause (3) and (4), a person shall not place the ashes of a deceased person in a Cemetery.
- (3) An Authorised Officer may place the ashes of a deceased person in a Cemetery provided that—
- (a) the person requesting the placement of the ashes has the permission of the Council; and
 - (b) the ashes are placed within an area set aside for that purpose by the Council.
- (4) An Authorised Officer may place the ashes of a deceased person within a family grave provided that;
- (a) any monumental work commemorating the deceased person is in accordance with Part VIII of this Local Law—
 - (b) the ashes are not deposited in an above ground repository; and
 - (c) the person requesting the placement of the ashes has the written permission of the Council.

*Division 3—Burials***Depth of Graves**

29. (1) The council may from time to time determine the depth to which a grave in a Cemetery is dug.
- (2) Every grave prepared by the Council shall be dug at least 1.8m deep unless otherwise determined by the Council.
- (3) Notwithstanding sub-clause (1), no grave shall exceed 2.3m in depth.

Vaults

30. A person shall not construct a brick grave, crypt or vault within a Cemetery.

Burying a Coffin

31. A person shall not bury a coffin within a Cemetery in such a manner that the distance from the top of the coffin to the original surface of the ground is less than 900mm.

Re-opening a Grave

32. (1) Subject to sub-clause (2), if for the purpose of re-opening a grave in a Cemetery the council 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.

Disintering a Coffin

33. (1) Subject to sub-clause (2), a person shall not disinter a coffin in a Cemetery for the purposes of re-burial within twelve (12) months after the date of its interment.

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

Exhumation

34. A person shall not disinter a coffin in a 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 Council requesting the exhumation and the Council has authorised the exhumation.

Opening a Coffin

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

- (a) the coffin is opened for the purposes of the exhumation of a dead body; or
- (b) that person has produced to the Council an order signed by the Commissioner of Police and the Council has approved the opening of that coffin.

(2) In this clause—

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

PART VIII—MONUMENTAL AND OTHER WORK*Division 1—Monumental Work***Placement of Monumental Work**

36. (1) Other than with the permission and in a manner approved by the Council a person shall not place monumental work upon—

- (a) a public grave;
- (b) a military grave; or
- (c) a private grave.

(2) A person shall not place a mausoleum in a cemetery.

(3) Notwithstanding sub-clause (1) (b), the Office of Australian War Graves—

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

(4) A person shall not place monumental work upon a grave unless the number of that grave is indelibly and legibly inscribed on the base of that monument.

*Division 2—Lawn Section***Specifications of Monuments**

37. (1) All monuments in the lawn section of a Cemetery shall—

- (a) be made of natural stone; or,
- (b) be placed upon a base of natural stone;
- (c) comply with the following specifications—
 - (i) shall not protrude above the original surface of the grave;
 - (ii) shall not exceed 400mm x 400mm in size;
 - (iii) the depth shall not exceed 150mm;
 - (iv) the number of that grave to be indelibly and legibly inscribed on the memorial.

(2) An admiralty bronze memorial plaque may be attached to the memorial but, shall not exceed the original surface of the grave in the lawn section of a Cemetery.

(3) No portion of a memorial in the lawn section of a Cemetery shall protrude outside the area of the perimeter of that gravesite.

(4) A person shall not display any trade names or marks upon any memorial or plaque within the lawn section of a Cemetery.

Headstones

38. No headstones are permitted in the lawn section of a Cemetery.

Division 3—Memorial Plaque Section

Requirements of a Memorial Plaque

39. (1) All memorial plaques placed in the niche section of a Cemetery shall—

- (a) be made of admiralty bronze or any other material approved by the Council;
- (b) not be less than the dimensions 140mm x 130mm, not more than 150mm x 500mm; and
- (c) bear an inscription approved by the Council.

(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 Council.

(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 less than 100mm in thickness if it is not to be placed upon a base mounting.

Division 4—General

Carrying out Monumental Work

40. (1) A person shall not carry out monumental work upon a grave within a Cemetery—

- (a) unless the monumental work has first been approved by the Council; and
- (b) except in accordance with plans and specifications first approved by the Council.

Application for Monumental Work

41. (1) The Council may upon receipt of an application in writing by any person in the form prescribed by the Eleventh Schedule and upon payment of the set fee issue to the Applicant a permit authorising the Holder to carry out monumental work upon a particular grave specified in the application at such time and on such days and subject to such conditions as the Council shall specify upon this issue of that permit or in this Local Law.

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

- (a) the plans and specifications of the monument, which plans and specifications shall include precise details of all words, designs and pictures intended to be inscribed upon or attached to the monumental work;
- (b) the written consent of the Holder of the Grave;
- (c) the quoted cost of the proposed monumental work.

(3) The Council may reject any application referred to in sub-clause (1) where it considers the proposed monumental works are inappropriate or unbecoming.

Monuments to be Kept in Good Repair and Condition

42. The Holder shall keep the grave the subject of the Grant, and all monuments upon it in good repair and condition.

Placing of Glass Domes and Vases

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

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

Plants and Trees

44. 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 a Cemetery without the prior approval of the Council.

Materials

45. (1) A person who proposes to carry out monumental work in a 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 remove it forthwith.

Use of Wood

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

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

Operation of Work

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

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

Placement of Monumental Work

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

(2) All monuments in a 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

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

(2) Notwithstanding Clause 48, a person carrying out monumental work within a Cemetery shall remove from that Cemetery all surplus material resulting from that work upon its completion.

Removal of Sand, Soil or Loam

48. Subject to Clause 47 (2), a person shall not remove sand, soil or loam from any portion of a Cemetery unless that person has the permission of the Council.

Supervision

49. (1) All monumental work within a 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 a Cemetery shall forthwith comply with any direction given by an Authorised Officer in accordance with sub-clause (1).

Hours of Work

50. A person shall not work within a Cemetery without the permission of the CEO or a person authorised by the Council—

- (a) other than during the days and hours specified in clause 16 (1) (c);
- (b) on Sundays; or
- (c) on public holidays.

Conditions of Work

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

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

52. (1) The Council may upon receipt of an application in writing by any person, firm or company in the form prescribed in the Twelfth Schedule, issue to the applicant a monumental mason's licence.

(2) A licence issued under clause 53(1) authorises the holder to carry out monumental works within a Cemetery subject to the provisions of this Local Law and such conditions as the Council shall specify upon the issue of the licence.

Period of Licence

53. (1) A monumental mason's licence shall—

- (a) be valid from the date specified therein until the 30th day of June next following the date of commencement of the licence or until the licence is determined pursuant to clause 56, which ever shall occur sooner; and
- (b) not be transferable.

Carrying out Monumental Work

54. A person shall not carry out monumental work within a Cemetery unless that person is the holder of a current valid monumental mason's licence issued pursuant to clause 53 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 Council.

Responsibilities of the Holder of a Monumental Mason's Licence

55. 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 a Cemetery pursuant to that licence with all the requirements of the licence, this Local Law, 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

56. (1) The Council 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 this Local Law, 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 Council, the conduct of the holder of the licence or any person in the employ of that holder of the licence in carrying out or attempting to carry out any works within a Cemetery, is inappropriate or unbecoming;

(c) that the holder of the licence has purported to transfer the licence issued to that holder.

(2) 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 Council;

Division 6—Single Monumental Work Permits

Application For a Single Monumental Work Permit

57. The Council may upon receipt of an application in writing by any person in the form prescribed by the Fourteenth 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 a Cemetery subject to such conditions as the Council shall specify upon the issue of that permit or in this Local Law.

Specifications and Details

58. Every application for a single monumental work permit made in accordance with clause 57 shall include an application for monumental work in the form prescribed by clause 41.

PART IX—GENERAL

Vehicles

59. (1) A person shall not drive a vehicle in a Cemetery—

- (a) other than in accordance with the directions of an Authorised Officer;
- (b) other than on those roads directed to be used by an Authorised Officer;
- (c) in any manner likely to cause detriment to the safety of pedestrians or other users of the Cemetery;
- (d) at a speed exceeding 15kph; or
- (e) on any part of a Cemetery that is not a constructed roadway or parking area or designated by the Council as an area in which vehicles may be driven.

(2) A person shall not stand or park a vehicle on any part of a Cemetery designated as a parking area—

- (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 or to impede the flow of traffic.

Animals

60. (1) Subject to sub-clause (2), a person shall not bring an animal into or permit an animal to enter or remain in a Cemetery.

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

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

(2) A person shall not bring or discharge any firearms within a Cemetery except in the case of a military funeral when firearms may be brought into a 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

62. (1) Subject to sub-clause (2), a person shall not damage, remove or pick any tree, plant, shrub or flower in a Cemetery or any other object or thing on any grave or memorial or which is the property of the Council without the permission of the Council.

(2) A person may remove withered flowers from a grave or memorial and shall place them in a receptacle provided by the Council for that purpose.

Advertising

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

No Benefits or Gratuities

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

Littering

65. A person shall not—

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

Disruption of Funeral Processions

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

Entry

67. A person shall not enter or remain within a Cemetery other than during the hours between sunrise and sunset except with the approval of the Council or an Authorised Officer.

Filming

68. A person shall not film a funeral or focus upon headstones and memorials within a Cemetery without the prior approval of—

- (a) the next-of-kin of the deceased person whose funeral, headstone or memorial is being filmed; and
- (b) an Authorised Officer of the Council.

Camping

69. A person shall not camp in or upon a Cemetery Reserve.

Lighting Fires

70. A person shall not light a fire within a Cemetery without the prior approval of the Council.

Obeying Signs and Directions

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

Removal from a Cemetery

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

(2) Any person failing to comply with an order to leave a 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**

73. A person who commits a breach of any provision of this Local Law commits an offence and shall on conviction be liable to a penalty not exceeding \$5000.00 and if the offence is a continuing one to a further penalty not exceeding \$50.00 for every day or part of a day during which the offence is continued.

Modified Penalties

74. (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 this Local Law.

may, within the time specified in the notice, pay to the Council the modified penalty payable with respect to that offence.

(2) The offences and modified penalties prescribed with respect to offences against this Local Law shall be as specified in the Fifteenth Schedule.

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

(4) The production of an receipt from the Council for 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 Council that an alleged offence cannot be adequately punished by the payment of the modified penalty then the Council 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) of the Act in respect of an offence alleged to have been committed against one of the provisions of this Local Law shall be in or to the effect of the Seventeenth Schedule.

FIRST SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Cemeteries Local Law

DECLARATION OF OWNERSHIP OF MISSING GRANT OF RIGHT OF BURIAL

I, ⁽ⁱ⁾

of ⁽ⁱⁱ⁾

do solemnly and sincerely declare as follows—

1. I am the person described as ⁽ⁱⁱⁱ⁾
in the Grant of Right of Burial numbered
issued by the Shire of Augusta-Margaret River on
2. ^(iv)
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 19..... before me—

.....(J.P./C.D.)

⁽ⁱ⁾ Full name of declarant.

⁽ⁱⁱ⁾ Address and occupation of declarant.

⁽ⁱⁱⁱ⁾ State whether grantee or assignee.

^(iv) 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
SHIRE OF AUGUSTA-MARGARET RIVER
Cemeteries Local Law

ASSIGNMENT OF GRANT OF RIGHT OF BURIAL

The Shire of Augusta-Margaret River as Trustees of the Margaret River Public Cemetery and Karridale Public Cemetery hereby assign a Grant of Right of Burial to—

.....
(full name)

.....
(address)

in respect of grave number in the cemetery

Dated this.....day of.....19.....

..... (Signature of person assigning Grant).

..... (Signature of person to whom Grant is assigned).

..... (Signature of witness).

Registered by the Council on the day of 19.....

.....
Authorised Officer.

THIRD SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Public Cemeteries Local Law
MARGARET RIVER/KARRIDALE PUBLIC CEMETERY
APPLICATION FOR BURIAL

APP No.
DATE.....

FUNERAL DIRECTOR.....

Personal Details—

Name of Deceased
Last Address
Date of Death Age M/F
Last Occupation
Place of Death
Place of Birth (Birthplace)

Funeral Details—

Day of Burial Time
Name of Celebrant
Details of Grant: Issued to
Address
Grant Number if Applicable
Pre-need Certificate
Previously Reserved Grave: Yes/No If Yes, give details

Grave Details—

Religious Ground..... Grave Number Marker
Coffin Size.....Grave Type: Standard/Parallel/Batesville
Grave:
Public Private Reopen
If Reopen, Name of Last Interment

Declaration: I hereby certify that I am the Applicant for this interment and have the authority for the use of the grave.

- * I am the person in whose name the Grant was issued
- * I am the personal representative of the Grant Holder
- * I am the person acting expressly on behalf of the Holder's representative
- * None of the above persons is immediately available or ascertainable and I hereby authorise use of the grave

Applicant: Signature
Name
Address

OFFICE USE ONLY

Burial Order Number Register of Burials
Orders Received Number of Grant
Invoice Number Receipt Number

FOURTH SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Public Cemetery Local Law
CERTIFICATE OF IDENTIFICATION

I,
of
hereby certify that on the.....day of.....19.....
at
I identified the body of a deceased person as that
of
The body was in a coffin bearing the name plate/inscription marked
.....
Signed
Witness

FIFTH SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Public Cemetery Local Law
CERTIFICATE DISPENSING WITH IDENTIFICATION

I,
of
the funeral director engaged to arrange the funeral of the body of
.....
hereby certify that the body of the said deceased has not been identified because—
* in my opinion, the body is not in a fit state to be viewed
* after reasonable effort I have been unable to have an identification made.
Dated the day of 19.....
Signed
Witness

* delete if not applicable.

SIXTH SCHEDULE
CEMETERIES ACT 1986
SHIRE OF AUGUSTA-MARGARET RIVER
Public Cemetery Local Law
FUNERAL DIRECTORS LICENCE APPLICATION

I⁽ⁱ⁾
hereby apply for the issue of a licence for the period beginning day of 19.....
and ending the 30th day of June 19.....⁽ⁱⁱ⁾ to undertake funerals within the
Cemetery and in support of such application supply the following particulars—

1. To be completed by all Applicants—
 - a. Trading name of business
 - b. Address from which business will be carried on
.....
..... Tel No.
 - c. Number of years for which applicant has previously held a Funeral Director' Licence
 - d. Details of offences under the Cemeteries Act, Cremations Act or the Local Laws of any Cemetery for which the Applicant or persons employed by the applicant have been convicted.
.....
.....
 - e. Full name, address and capacity of person completing this application
⁽ⁱⁱⁱ⁾
2. To be completed if Applicant is a Company—
 - a. Full names and address of —
Director/s
 - Manager/s
 - Secretary
 - b. Registered Office
3. To be Completed if Applicant is A Partner—
Full name and address of partner/s
.....
.....
4. To be completed if applicant is neither Company nor Partnership—
Full Name ^(iv)
- Address
- Signature of person completing application

DIRECTIONS FOR COMPLETION

- (i) Name of Applicant or Company or Business Name.
- (ii) The maximum period is one (1) year.
- (iii) State whether applying in person, on own behalf, or as a partner of a firm or a manager of a Company.
- (iv) If this information has already been given under item 1(e) write "as item 1(e)"

OFFICE USE ONLY

Received
 Referred to Council
 Approved
 Licence issued

SEVENTH SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Public Cemetery Local Law
FUNERAL DIRECTOR'S LICENCE

I⁽ⁱ⁾
 of
 is hereby licensed to undertake funerals within
 Cemetery from the day of 19..... until the
 30th day of June 19⁽ⁱⁱ⁾
 Place of business ⁽ⁱⁱⁱ⁾
 Conditions

 Given this day of 19.....
 by authority of the Shire of Augusta-Margaret River

.....
 Chief Executive Officer.

DIRECTIONS FOR COMPLETION

- (i) State whether applying in person or own behalf, or as a partner of a firm or a manager of a Company.
- (ii) The maximum period is one year.
- (iii) If this information has already been given under item 1 (e) write "as in item 1 (e)."

OFFICE USE ONLY

Received Referred to Council
 Approved Licence issued

EIGHTH SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Public Cemetery Local Law
APPLICATION FOR SINGLE FUNERAL PERMIT

I
 of
 hereby make application for the issue of a Single Funeral Permit for the funeral of the Late;
 (Name)
 to take place on
 within the Cemetery 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.
2. That in the event of Burial—
 - a. I am the holder of the Grant of Right of burial for the grave;
 - b. I shall produce to the Council the written consent of the holder of the grave for me to exercise the Right to bury the abovenamed deceased person in the grave.

- 3. 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 coffin lid.
The casket will be obtained from
- 4 That the vehicle used to transport the body and coffin within the Cemetery is a suitable vehicle of the following description—
Make Type Year
- 5. In the event of a Permit being issued, I will comply with the provisions of the Augusta-Margaret River Public Cemetery Local Law and conditions prescribed by the Council.

Signature of Person making application Date.....

Office Use Only

Application Received / /

Referred to Council / /

Approved / /

Licence Issued / /

NINTH SCHEDULE
SHIRE OF AUGUSTA MARGARET RIVER
Public Cemetery Local Law

Application No.....

AUTHORITY FOR PLACEMENT OF ASHES

Of the Late

Died Aged

To ensure our records are correct please check the above details.

OPTION

If second interment state name of first interment.

Location (if known)

Name

Address

Telephone: Home Work

Signature Date

Grave Number

Niche Wall Number

TENTH SCHEDULE
SHIRE OF AUGUSTA MARGARET RIVER
Public Cemeteries

OPTIONS

Niche Wall

Family Grave

Scattering to the Winds

Non standard memorials approved by the Council

ELEVENTH SCHEDULE
SHIRE OF AUGUSTA MARGARET RIVER
Public Cemetery Local Law
APPLICATION FOR MONUMENTAL WORK

Application No.

Grant No.

Name of Deceased

Area Section Grave No.

Name of Applicant

Address of Applicant

I hereby certify that I am authorised as/by the holder of the Grant of Right of Burial for the abovementioned grave to approve erection of the memorial detailed herein and I accept that the approval issued will be subject to conditions stipulated in The Cemeteries Act, The Grant of Right of Burial and the Local Law and Regulations now or hereafter in force.

Signature Date.....

NOTE: The Council is indemnified against any liability attributed to any incorrect statements or information contained in this form.

Details of Mason—

This section to be completed by the monumental mason

Name of firm Quoted Cost Date.....

Address

Signature of Mason.....

Do You Wish To: (Please Tick)

Add further inscription

Install a new memorial

Renovate or add further monumental work

Plan and Specifications—

NOTE: All plans and specifications of memorials submitted must be carefully drawn and fully dimensioned and all materials specified. All description to be in block letters, all ornaments etc. to be shown and dimensioned. size of dowels and dowel holes to be specified.

TWELFTH SCHEDULE
SHIRE OF AUGUSTA MARGARET RIVER
Public Cemetery Local Law
APPLICATION FOR MONUMENTAL MASON'S LICENCE

I apply on behalf of the firm/s trading as for a licence to work within the Cemetery as a Monumental Mason during the year ending 30 June 19.....

I have been involved in the Monumental Masonry trade for years.

I agree to comply with Local Laws, Regulations and Policies now and hereafter in force. I understand that this licence may be cancelled by the Council, subject to my right of appeal.

Signed:

Name:

On behalf of:

(Firm name/s)

.....

.....

THIRTEENTH SCHEDULE
SHIRE OF AUGUSTA MARGARET RIVER
Public Cemetery Local Law
MONUMENTAL MASON'S LICENCE

Office Use:

Date Received: / /19

Date Approved: / /19

Conditions

.....

Signed

Chief Executive Officer.

FOURTEENTH SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Cemetery Local Law

APPLICATION FOR SINGLE MONUMENTAL WORK PERMIT

I,

of

hereby make application for the issue of a Single Monumental Work Permit to undertake monumental work

on grave

within the Cemetery, on the

day of 19

In the event of a Permit being issued I agree to comply with the Local Law, Regulations and all Conditions prescribed by the Council.

Signed

Date

Single Monumental Work Permit

This is to certify that

of is authorised to undertake monumental work as detailed above.

Signed: Date:

For the Shire of Augusta-Margaret River

Single Monumental Work Permit

OFFICE USE—

Date Received..... \..... \19

Date Approved..... \..... \19

Conditions

.....

FIFTEENTH SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Cemeteries Local Law

Item	Clause	Nature of Offence	Modified Penalty \$
1.	47	Non removal of rubbish and surplus material	50.00
2.	48	Unauthorised removals from cemetery	50.00
3.	59 (1) (c) & (d)	Excessive speed	50.00
4.	59 (1) (a), (b) (e) & 59 (2)	Unauthorised use-driving, parking, or standing of vehicle	50.00
5.	61	Unauthorised fireworks or firearms	50.00
6.	62	Unauthorised removal of property	50.00
7.	63	Unauthorised advertising, and/or trading	50.00
8.	66	Committing nuisance	50.00
9.	67	Entry out of hours	50.00
10.	68	Unauthorised filming	50.00
11.	69	Unauthorised camping	50.00
12.	70	Unauthorised lighting of fires	50.00
13.	71	Disobeying lawful signs and directions	50.00
14.		Any other offence	50.00

SIXTEENTH SCHEDULE
SHIRE OF AUGUSTA-MARGARET RIVER
Cemetery Local Law
INFRINGEMENT NOTICE

To:
(Name)

.....
(Address)

It is alleged that at hours on the
day of 19..... at

You committed the offence indicated hereunder by an (X) in breach of the Shire of Augusta-Margaret
River Cemeteries Local Law clause number

.....
Authorised Officer.

- OFFENCE**
- Excessive Speed in vehicle
 - Unauthorised vehicle use
 - Unauthorised removal of property
 - Unauthorised advertising or trading
 - Non-removal of rubbish
 - Unauthorised removal of materials
 - Unauthorised lighting of fires

- OFFENCE**
- Entry out of hours
 - Disobeying lawful signs
 - Unauthorised filming
 - Unauthorised camping
 - Committing a nuisance
 - Unauthorised fireworks/firearms

Other offence Modified Penalty \$

You may dispose of this matter—

By payment of the penalty as shown within 28 days of the date of this notice to the Shire of Augusta-Margaret River, PO Box 61 Margaret River WA 6285, between the hours of 8.00am and 4.30pm 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 cheques payable to the Shire of Augusta Margaret River. Payments by mail should be addressed to the Chief Executive Officer, P.O Box 61, Margaret River WA 6285.

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

SEVENTEENTH SCHEDULE
Metropolitan Cemeteries Local Law
WITHDRAWAL OF INFRINGEMENT NOTICE

No.

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

To⁽ⁱ⁾

Infringement Notice No. Dated/...../..... for
the alleged offence of ⁽ⁱⁱ⁾

Penalty ⁽ⁱⁱⁱ⁾ \$ is hereby withdrawn.

- No further action will be taken
- It is proposed to institute court proceedings for the alleged offence.
- (Delete whichever does not apply)

⁽ⁱ⁾ Insert name and address of alleged offender.

⁽ⁱⁱ⁾ Insert short particulars of offence alleged.

⁽ⁱⁱⁱ⁾ Insert amount of penalty prescribed.

Dated the.....day of.....1997.

The Common Seal of the Shire of Augusta-Margaret River was hereto affixed by Authority of the Council in the presence of—

B. F. GODLEY, President.
M. T. EASTCOTT, Chief Executive Officer.



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