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LOCAL GOVERNMENT ACT 1995

SHIRE OF WONGAN-BALLIDU

**LOCAL LAWS RELATING TO
STANDING ORDERS**

LOCAL LAWS RELATING TO DOGS

**LOCAL LAWS RELATING TO WONGAN
HILLS PUBLIC CEMETERY**

LOCAL GOVERNMENT ACT 1995*Shire of Wongan-Ballidu*

LOCAL LAWS RELATING TO STANDING ORDERS

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of the Shire of Wongan-Ballidu resolved on the 20th day of August 1998, to make the following local laws: The Model Local Laws relating to Standing Orders published in the *Government Gazette* on April 3, 1998, are adopted as local laws of the Shire of Wongan-Ballidu, with such alterations as are here set out:

1. Delete the clause 9.1-Members to Rise;
2. Delete "clause 9.5" wherever it occurs and substitute "clause 9.4";
3. Delete "any member of the Council or committee then speaking or offering to speak, is to immediately sit down and" where it occurs in subclause 15.8 (1);
4. Delete clause "9.3" in subclause 15.8 (2) and substitute "clause 9.2";
5. Delete clause 17.6 (b)
6. Delete subclause 3.2 (1) (a)-(m) and insert the following—
 - (a) Attendance, apologies and leave of absence,
 - (b) Announcements by the President without discussion,
 - (c) Declarations of interest,
 - (d) Public forum—reception of questions limited to a total of thirty minutes of duration, except by consent of the person presiding. Each speaker will be limited to 5–15 minutes duration to speak, except by consent of the person presiding;
 - (e) Confirmation of minutes,
 - (f) Corporate services,
 - (g) Development services,
 - (h) Works-services,
 - (i) Chief Executive Officer,
 - (j) Members reports—
 - (i) President written report-discussion at President's discretion
 - (ii) Councillors written report-discussion at Presidents discretion.
 - (k) Motions of which due notice has been given
 - (l) Inwards/outwards correspondence
- (m) Tabled correspondence
- (n) Other committee/minutes
- (o) Business arising from other committee minutes
- (p) Urgent business
- (q) Confidential reports
- (r) Closure

Delete clause 8.3—Leaving Meetings and the following is substituted—"Leaving Meetings—That the Minutes record the time and the members leaving and returning to the meeting

Dated this 20th day of August 1998

The Common Seal of the Shire of Wongan-Ballidu was hereunto affixed by the authority of a decision of the Council in the presence of

DAVID G. S HOOD, Shire President.
FRANK J. PECZKA, Chief Executive Officer.

DOG ACT 1976*Shire of Wongan-Ballidu*

LOCAL LAWS RELATING TO DOGS

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of the Shire of Wongan-Ballidu resolved on the 20th day of August 1998, to make the following local laws: The Shire of Mundaring Local Laws relating to Dogs published in the *Government Gazette* on November 24, 1997, are adopted as local laws of the Shire of Wongan-Ballidu, with such alterations as are here set out:

1. Delete "Shire of Mundaring" wherever this occurs and substitute "Shire of Wongan-Ballidu";
2. In the definition of "Act" after "1976", the following is inserted—"as amended";
3. The definition of "Authorised Person" is deleted and substituted with "means a person who is authorised by or under Section 29 of the Dog Act 1976";
4. The definition of "District" is deleted and substituted with "means the district of the Shire of Wongan-Ballidu";
5. The definition of "Metropolitan Region" is deleted;
6. The definition of "Public Place" is deleted and substituted with "means a public place as defined in Section 3 (1) of the Dog Act 1976";
7. The definition of "Public Building" is deleted;
8. In the definition of "Regulations" after "Dog Act Regulations 1976" the following is inserted—"as amended";
9. In the definition of "Townsite" "Land Act 1933" is deleted and the following is substituted—"Land Act 1997";
10. In clause 4 after the word "Act" the following is inserted—"or these local laws as it deems necessary";
11. Clause 6 is deleted and the following is substituted—"The Pound or Pounds maintained by Council for the detention of dogs siezed shall be attended by an Authorised Person at such times and on such days as determined from time to time by Council";
12. Delete "clause 9.1" wherever it occurs and substitute "clause 9";
13. Delete "clause 9.2" wherever it occurs and substitute "clause 9.1";
14. Delete "subclause 31 (c)" and substitute the following—"Wongan Hills Memorial Swimming Pool (Pt Lot 100 Ninan Street) within the area enclosed by the perimeter pool fencing";
15. Delete "subclause 31 (d)" and substitute the following—"Wongan Hills Public Cemetery (Reserve No 15283)";
16. Delete "subclause 31 (e)" and substitute the following—"Any other place prohibited to dogs under any written law";
17. Delete "subclause 31 (f)" wherever it occurs;
18. Delete "clause 39" and substitute the following—"An alleged offender on whom an Infringement Notice has been served may, within the time specified in that Notice, or such further time as may in any particular case be allowed, send or deliver to the Council the amount of the prescribed penalty or make an application to have the matter dealt with in accordance with the provisions of the Regulations";
19. In the Second Schedule delete "clause (a)" and substitute the following—"Wongan Hills Townsite—Reserve 34418, Ray Road";
20. In the Second Schedule delete "clause (b)" and substitute the following—"Wongan Hills Townsite—Reserve 29068, Fenton Street";
21. In the Second Schedule after "clause b" the following clause is inserted—" (c) Ballidu Townsite—Reserve 23874, Tootra Road";
22. In the Seventh Schedule in column 2 headed "Section" delete "33" noted as the relevant Section to "Item 1" and substitute the following "31";
23. In the Seventh Schedule in column 2 headed "Section" delete "34" noted as the relevant Section to "Item 2" and substitute the following "32";
24. In the Seventh Schedule in column 2 headed "Section" delete "27(r)" noted as the relevant Section to "Item 4" and substitute the following "26(r)";
25. In the Seventh Schedule in column 2 headed "Section" delete "27(s)" noted as the relevant Section to "Item 5" and substitute the following "26(s)";

Dated this 20th day of August 1998

The Common Seal of the Shire of Wongan-Ballidu was hereunto affixed by the authority of a decision of the Council in the presence of

DAVID G. S HOOD, Shire President.
FRANK J. PECZKA, Chief Executive Officer.

CEMETERIES ACT 1986*Shire of Wongan-Ballidu*

LOCAL LAWS RELATING TO WONGAN HILLS PUBLIC CEMETERY

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Wongan-Ballidu hereby records having resolved on the 20th day of August, 1998, to make the following local laws:

Part 1—Preliminary

Repeal

1.0 The following local laws are repealed:

The Wongan Hills Public Cemetery By-laws published in the *Government Gazette* on 27 May, 1988, as amended.

Citation

1.1 These local laws may be cited as the Local Laws relating to the Wongan Hills Public Cemetery 1998

Interpretations

1.2 In these local laws unless the context otherwise requires:

“authorised officer” means an employee of the local government authorised by the local government for the purposes of performing any function or exercising any power conferred upon an authorised officer by these local laws;

“cemetery” means the Wongan Hills Public Cemetery;

“CEO” means the Chief Executive Officer for the time being, of the local government;

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

“local government” means the Shire of Wongan-Ballidu;

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

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

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

“single funeral permit” means a permit issued by the local government under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit.

Part II—Administration

2.1 Subject to any directions given by the council, the CEO shall exercise all the powers and functions of the local government in respect of the cemetery.

Part III—Rights of Burial

3.1 Graves within the cemetery shall be either private or public.

3.2 A private grave is one in respect of which an exclusive right of burial has been granted by the local government.

3.3 A public grave is one for which the land has been granted free of charge by the local government. The local government retains all rights and powers in respect of a public grave as were held by the local government prior to the grant.

3.4 The local government may, upon the written application of a person and upon payment of the set fee, issue that person with a Grant of Exclusive Right of Burial in a specified area of the cemetery.

3.5 A Grant of Exclusive Right of Burial shall be for a term of twenty five (25) years or any such other term decided by the local government from the date of issue or from the date of burial if the set fee has been pre-paid.

3.6 A Grant of Exclusive Right of Burial confers upon the grantee an exclusive right—

(a) to bury the dead body/bodies of one or more deceased persons in a grave; and

(b) to carry out memorial works on a grave;

during the term of the grant.

3.7 A grantee may make application to the local government in the form determined by the local government from time to time transfer a Grant of Exclusive Right of Burial to another person and this may be approved by the local government subject to the payment of the set fee.

3.8 If application be made for interment in any grave of the remains of any person other than the person to whom the grant was issued, or a registered assignee, the written and verified consent of such grantee or assignee shall be produced together with the Grant of Exclusive Right of Burial, or in the case of an assignee, the assignment of the right of burial in the form issued by the local government.

Part IV—Application for Funerals

4.1 (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the local government from time to time.

(2) An application under subclause (1) is to be accompanied by the set fee.

4.2 All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 4.3, in respect of the body

4.3 (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, or a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the local government from time to time, unless:

- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.

(2) Where:

- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body,

then the Funeral Director shall complete a certificate in the form determined by the local government from time to time.

4.4 All bookings to hold a funeral shall be made with the local government at least twenty four hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

Part V—Interment of Ashes—Niche Wall

5.1 A personal representative may give directions for the interment of ashes to be lodged in the Niche Wall at the Wongan Hills Cemetery, by lodging an Authorisation for Evidence that the person signing the authorisation is in fact entitled to dispose of the ashes, upon payment of the set fee.

5.2 Reservation of a site within the Wongan Hills Cemetery Niche Wall shall be for a term of twenty five (25) years or any such other term decided by Council from the date of issue if the set fee has been pre-paid

5.3 The fee's applicable to the Wongan Hills Cemetery Niche Wall are specified in the local government's Annual Schedule of Fees and Charges, and shall be applicable for the financial year specified therein.

Part VI—Funeral Directors

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

Single Funeral Permits

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

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

Part VII—Funerals

Division 1—General

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

- (a) the local government has approved an application for the burial of that dead body in accordance with Part IV of these local laws;
 - (b) it is enclosed in a coffin which in the opinion of the local government is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid;
- and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

7.2 The time fixed by the local government for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 4.1 shall pay the set fee for being late.

7.3 (1) Subject to clause 7.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the cemetery.

(2) This local law shall not apply to persons using wheelchairs or motorised wheelchairs.

7.4 Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 5km per hour.

7.5 A person committing an offence under clause 7.4 may be expelled from the cemetery by the CEO or an authorised officer.

7.6 When conducting a funeral under section 22 of the Act the local government may:

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;

- (d) specify an area in the cemetery where the dead body is to be buried;
- (e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under these local laws;
- (f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it

Part VIII—Burials

8.1 (1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is—

- (a) subject to paragraph (b), less than 750mm, unless that person has the permission of an authorised officer; or
- (b) in any circumstances less than 600mm.

(2) The permission of the authorised officer in sub-clause (1) (a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

8.2 (1) A person other than the local government shall not construct a brick grave, crypt, vault or mausoleum within the cemetery.

(2) A person may request the local government to construct a vault or mausoleum within the cemetery which vault or mausoleum shall at all times remain the property of the local government.

(3) An application under subclause (2) shall be in writing and shall be accompanied by payment of the set fee.

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

- (a) in a closed coffin; and
- (b) in a soundly constructed chamber; and
- (c) in accordance with sub-clause (5).

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

Part IX—Memorials and Other Work

Division 1—General

9.1 A local government may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

9.2 Every memorial shall be placed on proper and substantial foundations.

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

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

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

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

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

9.8 No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior approval of the local government.

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

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

9.11 Notwithstanding anything in these local laws to the contrary, the Office of Australian War Graves:

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

9.12 A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act.

Division 4—Licensing of Monumental Masons

9.13 (1) The local government may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.

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

9.14 A monumental mason's licence:

- (a) shall, subject to clause 9.17, be valid from the date specified therein until the 30th day of June next following; and
- (b) is not transferable.

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

- (a) is the holder of a valid monumental mason's licence issued pursuant to clause 9.13 or does so as the employee of a person who holds such a licence; or
- (b) is authorised by the local government to do so.

9.16 The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, these local laws, the Act and any other written law which may affect the carrying out of monumental works.

9.17 (1) The local government may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds:

- (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, these local laws, the Act or any other written law which may affect the carrying out of monumental works;
- (b) that, in the opinion of the local government, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
- (c) that the holder of the licence has purported to transfer the licence issued to that holder.

(2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the local government.

(3) An aggrieved person whose licence has been terminated under subclause (1) may appeal to a Local Court against a decision of the local government under this clause in the manner stated in section 19 (3) of the Act.

Part X—General

Animals

10.1 Subject to clause 10.2, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.

10.2 Clause 10.1 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.

Damaging and Removing of Objects

10.3 Subject to clause 10.4, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the local government without the permission of the local government.

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

Littering and Damage

10.5 A person shall not:

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

Advertising

10.6 A person shall not carry on or advertise any trade, business or profession within the cemetery without the prior written approval of the local government which consent may be granted subject to such conditions as the local government thinks fit.

Obeying Signs and Directions

10.7 A person shall obey all signs displayed, marked, placed or erected by the local government within the cemetery and any other lawful direction by the CEO or an authorised officer.

Removal from the Cemetery

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

Part XI—Offences and Modified Penalty

Offence

11.1 A person who commits a breach of any provisions of these local laws commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

Modified Penalties.

11.2 (1) The offences specified in the First Schedule are offences which may be dealt with under section 63 of the Act.

(2) The modified penalty payable in respect of an offence specified in the First Schedule is set out in the fourth column of the First Schedule.

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

(4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in the Third Schedule.

First Schedule
Cemeteries Act 1986
Shire of Wongan-Ballidu
Local Laws Relating to the Wongan Hills Public Cemetery

Item No.	Clause	Nature of Offence	Modified Penalty
1	7.4	Excessive speed	\$50.00
2	7.4	Unauthorised use—driving of vehicles	\$50.00
3	9.3	Placing and removal of rubbish and surplus materials	\$50.00
4	9.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
5	10.1	Animal at large	\$50.00
6	10.5	Dumping of Rubbish	\$50.00
7	10.6	Unauthorised advertising, and/or trading	\$50.00
8	10.7	Disobeying sign or lawful direction	\$50.00

Second Schedule
Cemeteries Act 1986
Shire of Wongan-Ballidu
Local Laws Relating to the Wongan Hills Public Cemetery.

Infringement Notice

TO:
(Name)

.....
(Address)

It is alleged that at : hours on day of
19 at

.....
you committed the offence indicated below by an (x) in breach of clause of the local Laws
Relating to the Wongan Hills Public Cemetery.

.....
(Authorised Person)

Offence

- Animal at large
- Dumping rubbish
- Excessive speed in vehicle
- Leaving uncompleted works in an untidy or unsafe condition
- Non removal of rubbish
- Unauthorised advertising or trading
- Unauthorised vehicle use
- Disobeying sign or lawful direction
- Other Offence
- §

You may dispose of this matter:

By payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Shire of Wongan-Ballidu at the office of the Council, Cnr Quinlan Street and Elphin Crescent, Wongan Hills between the hours of 8.00am to 4.30pm Monday to Friday.

Please make cheques payable to the Shire of Wongan-Ballidu. Payments by mail should be addressed to:

The Chief Executive Officer
Shire of Wongan-Ballidu
PO Box 84, Wongan Hills WA 6603

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

Third Schedule
 Cemeteries Act 1986
Shire of Wongan-Ballidu
Local Laws Relating to the Wongan Hills Public Cemetery.
 Withdrawal of Infringement Notice

No.

..... Date / /

To ⁽¹⁾

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

Penalty ⁽³⁾ \$ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

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

- (1) Insert name and address of alleged offender.
- (2) Insert short particulars of offence alleged.
- (3) Insert amount of penalty prescribed.

.....
 (Authorised Person)

Dated this day of 19

The Common Seal of the)
 Shire of Wongan-Ballidu)
 hereunto affixed by authority)
 of a resolution of the Council)
 in the presence of:)

.....
 President

.....
 Chief Executive Officer

..... Date

Dated this 20th day of August 1998

The Common Seal of the Shire of Wongan-Ballidu was hereunto affixed by the authority of a decision of the Council in the presence of

DAVID G. S HOOD, Shire President.
 FRANK J. PECZKA, Chief Executive Officer.



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