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SHIRE OF MURRAY

DOG ACT 1976

DOG LOCAL LAWS

CEMETERIES ACT 1986

CEMETERIES LOCAL LAWS

DOG ACT 1976

SHIRE OF MURRAY

DOG LOCAL LAWS

ARRANGEMENT

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Revocation
- 1.3 Commencement
- 1.4 Interpretations
- 1.5 Terms and expressions used

PART 2—IMPOUNDING OF DOGS

- 2.1 Pound

PART 3—REGULATION OF DOG KENNELS

- 3.1 Kennels
- 3.9 Appeals

PART 4—GENERAL

- 4.1 Maximum number of Dogs to be Kept
- 4.2 Prohibited Areas
- 4.3 Dog Exercise Areas
- 4.4 Dogs In Public Places
- 4.5 Dog Excreta

PART 5—ENFORCEMENT

- 5.1 Authorised Persons Extent of Authority

PART 6—OFFENCES & PENALTIES

- 6.1 General Penalty Provisions
- 6.2 Modified Penalties
- 6.3 Form of Infringement Notice
- 6.4 Service of Infringement Notice
- 6.5 Failure to pay Modified Penalty
- 6.6 Payment of Modified Penalty
- 6.7 Withdrawal of Infringement Notice

PART 7—SCHEDULES

- Schedule 1 Fees and Charges
- Schedule 2 Dog Exercise Areas
- Schedule 3 Modified Penalties
- Schedule 4 Licence to keep an approved Kennel Establishment
- Schedule 5 Application for Licence/Renewal of Licence to keep an approved Kennel Establishment

DOG ACT 1976

SHIRE OF MURRAY

DOG LOCAL LAWS

In pursuance of the powers conferred by the *Dog Act 1976* and all other powers enabling it, the Council of the Shire of Murray hereby records having resolved on the 26 August 1999, to make the following Local Laws.

PART 1—PRELIMINARY**Citation**

1.1 This Local Law may be cited as the Shire of Murray Dog Local Laws.

Revocation

1.2 The Bylaws of the Shire of Murray relating to Dogs published in the *Government Gazette* 7 April 1978, are hereby revoked.

Commencement

1.3 This Local Law comes into effect fourteen (14) days after the date it is published in the *Government Gazette*.

Interpretation

1.4 In this Local Law unless the context otherwise requires—

“**Act**” means the *Dog Act 1976* (as amended);

“**Applicant**” means a person who makes an application for an approved kennel establishment licence;

“**Approved kennel establishment**” means the kennel or kennels and yards appurtenant thereto which are the subject of an application for an approved kennel licence as prescribed in Part 3;

“**Authorised person**” means a Ranger or any other person authorised by Council to administer, enforce, issue any Infringement Notice, impound or destroy dogs or otherwise carry out the objectives of this Local Law or the Act;

“**Council**” means the Council of the Local Government District of the Shire of Murray;

“**District**” means the district of the Local Government of the Shire of Murray;

“**Kennel licence**” shall mean a licence granted by the Council to an applicant pursuant to Part 3 of this Local Law;

“**Leash**” includes a chain, cord, leash or harness no greater than two (2) metres in length and of sufficient strength to restrain a dog in all circumstances;

“**Person liable for the control of a dog**” has the meaning given to it in the Act;

“**Pound**” means any land, including any enclosures or structures thereon, established or maintained by Council pursuant to the *Dog Act*;

“**Pound-keeper**” has the same meaning as Authorised Person;

“**Public Place**” has the meaning given to it in the Act;

“**Public buildings**” means churches, community centres, licensed premises, public swimming pools and schools;

“**Regulations**” means the *Dog Regulations 1976*.

1.5 Terms and expressions used—

Shall have the meanings given in subsection 1.4 of this Local Law, but in the event of any inconsistency, the definitions provided in the Act shall apply.

PART 2—IMPOUNDING OF DOGS**Pound**

2.1 The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Act or this Local Law.

2.2 The pound-keeper shall be in attendance at the pound for the release of dogs at such times and on such days of the week as shall from time to time be determined by the Council.

2.3 Where a dog has been seized or placed in a pound pursuant to this Local Law or the Act the pound-keeper shall, if the owner or person is usually in charge of the dog is known, forthwith notify such person that the dog has been impounded.

2.4 If the owner or person apparently acting on behalf of the owner of a dog seized or impounded claims such dog then the dog shall be released to that person by prior payment to the Local Government or an authorised person—

- (a) the fees specified in the First Schedule of this Local Law relating to the impounding and sustenance of the dog, together with
- (b) any veterinary costs which may have been incurred by Council in relation to treatment of that dog, and
- (c) any fees in relation to the registration of the dog, if the dog is not registered pursuant to the Act.

2.5 Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of an authorised person the ownership of the dog and his authority to take delivery of it. An authorised person may accept such proof as he/she considers satisfactory and no person shall have any right of action against him/her or Council in respect of delivery of a dog in good faith.

2.6 If a dog shall not be claimed and said fees paid within 72 hours of its being impounded, or if a dog having a collar around its neck with a registration tag affixed thereto shall not be claimed and the said fees paid within 72 hours of the service of a notice upon the owner the pound keeper or other employee authorised by the Council may sell, destroy or otherwise dispose of the dog.

2.7 Upon the sale of a dog the proceeds of sale shall be the property of the Council and may be disposed of in such manner as the Council thinks fit. The owner of a dog sold pursuant to these Local laws shall have no claim against the Council in respect of the proceeds thereof.

2.8 If the Council arranges destruction of a dog at the request of its owner, then whether the dog has been seized or not, the owner shall pay, when so required to Council the fee specified in the First Schedule of this Local Law.

2.9 Notwithstanding anything herein contained but subject to the provisions of sub-section (12) of Section 29 of the Act, any dog seized or impounded may at any time be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner, or environmental health officer.

2.10 The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of liability to a penalty under the Act, Regulations or this Local Law.

PART 3—REGULATION OF DOG KENNELS

Kennels

3.1 Any application for a kennel licence shall be made in the form prescribed in the Fifth Schedule of this Local Law, and shall be provided to Council with—

- (a) two copies of a plans showing the specifications of the kennels and yards inclusive of the relationship of the kennels and yards to the boundaries of the lot or lots and all other buildings on the land, and
- (b) any other information that Council may require.

3.2 The Council acting in accordance with the provisions of the Act may grant or refuse a kennel licence, or may grant a licence subject to any conditions deemed necessary.

3.3 On approving a kennel establishment, a licence in the form prescribed in the Fourth Schedule of this Local Law shall be issued upon payment to Council of the annual licence fee detailed in the Second Schedule of the Regulations—

- (a) The issue of a kennel establishment licence shall remain valid until the 1st July next following the issue thereof, unless it shall has been previously cancelled or revoked by Council.
- (b) Renewal of kennel establishment licences must be made by payment of the fee prescribed in the Second Schedule of Regulations within 21 days after the 1st July in each year.

3.4 No person shall erect a kennel establishment until plans, specifications and location plan showing the proposed site for such a kennel establishment has been approved by the Council and is in conformity with the Shire of Murray Town Planning Scheme or any Local Law adopted by the Council.

3.5 (i) The owner or occupier of premises for which a kennel licence has been granted shall provide and maintain kennels and yards in accordance with the following specifications—

- (a) Each kennel shall have a yard appurtenant thereto, which is capable of retaining.
- (b) Every part of a kennel or yard shall be no less than 20 metres from the boundaries of the land in the occupation of the occupier of the approved kennel establishment.
- (c) Every part of a kennel or yard shall be no less than 30 metres from the road reserve of any street unless it is completely screened from view of that road or street by a fence approved by Council.
- (d) In the case of a corner lot, no part of any kennel or yard shall be less than 20 metres from the sided boundary to which the premises has its secondary frontage.
- (e) Every part of a kennel or yard shall be no less than 20 metres from any dwelling, church, school room, hall factory, dairy or premises whatsoever wherein food is manufactured, prepared, packed or stored for human consumption.
- (f) The walls of each kennel shall be constructed of concrete, masonry, stone or any other material approved by Council.
- (g) The roof of each kennel shall be constructed of impervious material.
- (h) All painted external surfaces of an approved kennel establishment shall be kept in good condition and shall if directed by an officer of the Council be repainted with good quality paint every three years.

- (i) The lowest internal height of any kennel shall be 2.4 metres from the floor.
- (j) Each yard for any kennel shall be kept securely fenced with a fence not less than 2 metres in height constructed of link mesh or netting, galvanised iron or timber.
- (k) Gates for each yard shall be provided and fitted with proper catches or means of secure fastening.
- (l) The upper surface of the kennel floor shall be at least 10 centimetres above the surface of the surrounding ground and shall be constructed of granolithic concrete which shall be of an impervious acid resistant waterproof concrete finished to a surface having a fall of not less than 1 to 100 to a drain ("the drain") which shall be properly laid, ventilated and trapped in accordance with the health requirements of Council.
- (m) Each kennel shall have a floor area of not less than 2.5 square metres for every dog kept therein over the age of three months.
- (n) The area of the yard appurtenant to any kennel or group of kennels shall not be less than three times the area of the kennel or group of kennels to which it is appurtenant.
- (o) All kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and shall forthwith be cleaned and disinfected when so ordered by an Authorised Person.
- (p) Reticulated water must be available at the kennel via a properly supported standpipe and hose cock for the hosing down of the kennel and floored yard.
- (q) Proper approved ventilation is to be installed into the roof and walls of the kennel establishment as per Council's direction.
- (r) The kennel establishment is to have a design approved and employ materials approved by the Council for the purpose of eliminating noise nuisance.
- (s) Bedding for dogs must be a minimum 300 mm above the finished floor level.
- (t) All food for the kennelled dogs is to be stored in a separated concealed room within the kennels. The food is to be stored in metal cabinets and or refrigerators installed a minimum of 50 mm above the finished floor level.
- (ii) Where Council has approved a kennel licence being issued, subject to greyhounds being kept therein, the licensee shall provide a perimeter fence with self-locking gate around the area which the kennels and yards are constructed.

3.6 No licensee shall keep or permit dogs to be kept on premises on which there is an approved kennel establishment, unless the licensee ensures that a person in charge of the dogs either resides on such premises or within such reasonable close proximity as to enable the person to have effective control over the dogs.

3.7 The licensee shall maintain every part of the approved kennel establishment frequented or occupied by a dog in clean conditions. Refuse, dog faeces and food wastes must be disposed of daily in a manner approved from time to time by an environmental health officer of the Shire, and odours, flies and other vermin must be effectively controlled.

3.8 Council maintain the ability to reject an application for a kennel establishment licence, or may at any time cancel a kennel licence on the grounds that the licensee does not comply with or the kennel establishment is not kept, in accordance with this Part of the Local Law, or for any reason relating to the conduct of the kennel resulting in the kennel being a nuisance to neighbours by reason of noise, odours or any other cause.

Appeals

3.9 Should Council reject an application for a kennel establishment licence or cause notice of the intention to cancel a licence the applicant or licensee as the case may be, has a right to appeal the decision in the manner prescribed in Section 7 of the Regulations.

PART 4—GENERAL

Maximum Number of Dogs to be Kept

4.1 The owner or occupier of any land within the District shall not keep, permit or suffer to remain thereon more than two dogs over the age of three (3) months unless—

- (a) the premises are the subject of a kennel licence issued pursuant to this Local Law or are the subject of an exemption approved by Council pursuant to Part V of the Act.

Prohibited Areas

4.2 The owner or person liable for the control of a dog shall prevent a dog, except a dog referred to in section 6 (4) or 8 of the Act, from entering or being in the following areas, whether the dog is held on a leash as required by this Local Law or the Act or not—

- (a) Pinjarra Cemetery, Reserve No. 8109, Pinjarra sub-lots 47, 48 and 49;
- (b) Dwellingup Cemetery Reserve No. 15228 Development Lot 152.

Dog Exercise Areas

4.3 The owner or person liable for the control of a dog may exercise a dog free of restraint, subject to the provisions of section 32 of the Act in the areas described in the Second Schedule of this Local Law.

The Council may add to the rivers and reserves falling within any of the categories in subsections 4.2 and 4.3 by—

- (a) Resolution of the absolute majority of the members of Council.
- (b) Notice of the resolution shall be published at least once in a newspaper circulating in the District; and
- (c) a notice is erected in a conspicuous position on or at the entrance to the foreshore or reserve advising of the resolution and its effect.

Where the Council adds a foreshore or reserve to the categories in subsection 4.2 or 4.3, the added foreshore or reserve shall for all purposes of enforcement or otherwise be treated as if it was listed in the appropriate part of subsection 4.2 or the Second Schedule of this Local Law.

Dogs in Public Places

4.4 (a) The owner or person liable for control of a dog shall ensure that if a dog is in any public place within the district it is on a leash held by a person capable of controlling the dog in all circumstances.

- (b) A dog is exempt from the requirements of this section of this Local Law, if—
 - It is in an area specified in Section 4.3 of this Local Law; or
 - It is in a place or being used in accordance with the exemptions provided in Section 31 (2), subsection (c), (d), (e), (f), (g), or (h) of the Act.

Dog Excreta

4.5 A person liable for the control of a dog which excretes on any street or public place or on private property within the District without the consent of the occupier commits an offence unless the excreta is removed forthwith and disposed of on private land with the consent of the occupier, or in such other manner as Council may approve.

PART 5—ENFORCEMENT**Authorised Persons Extent of Authority**

5.1 An authorised person may and is authorised by the Local Government to—

- (a) carry into effect the provisions of this Local Law;
- (b) report to the Local Government on the working effectiveness of this Local Law;
- (c) make inquiries and investigations concerning any alleged, purported, or actual offence against any of the provisions of this Local Law, with the power to interview, question and obtain the full name and place of suspected offences within the district;
- (d) institute and conduct prosecutions for offences against this Local Law, and;
- (e) issue any Infringement Notice.

PART 6—OFFENCES & PENALTIES**General Penalty Provisions**

6.1 Any person who contravenes or fails to comply with any provision of this Local Law commits an offence and shall upon conviction be liable to a penalty not exceeding \$2000.00 for each offence. If the offence is of a continuing nature a Court may impose a daily penalty not exceeding \$200.00 for each day the offence is continued.

Modified Penalties

6.2 The offences prescribed in the Third Schedule of this Local Law are prescribed pursuant to Section 45A(2) of the Act as offences in relation to which a modified penalty applies and the amount appearing directly opposite each such offence is the prescribed modified penalty payable in respect of that offence.

Form of Infringement Notice

6.3 Where an authorised person has reason to believe that a person has committed an offence against this Local Law he may serve upon that person an Infringement Notice. An Infringement Notice shall be in the form depicted in Form 7 of the First Schedule of the Regulations.

Service of Infringement Notices

6.4 An Infringement Notice may be served on an alleged offender personally or by posting it to his address as ascertained at the time or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by Council pursuant to the Act.

Failure to pay Modified Penalty

6.5 Where a person who received an Infringement Notice fails to pay the prescribed penalty within the time specified in the notice, or within such time as may in any particular case be allowed, he is deemed to have declined to have the alleged offence dealt with by way of a modified penalty.

Payment of Modified Penalty

6.6 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, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon—

- (a) appropriate the amount in satisfaction of the penalty and if required an acknowledgment may be issued; or
- (b) withdraw the Infringement Notice and refund the amount so paid.

Withdrawal of Infringement Notice

6.7 An Infringement Notice may, whether or not the prescribed penalty been paid, be withdrawn by the Council by sending a notice in the form depicted in Form 8 of the First Schedule of the Regulations to the alleged offender at the address specified in the notice or the offenders last known place of residence or business.

PART 7—SCHEDULES

Schedule 1

DOG ACT 1976

Shire of Murray

FEES AND CHARGES

The following fees and charges—

- Seizure and Impounding of a Dog;
- Sustenance and Maintenance of a Dog, per day or part thereof;
- Destruction of a Dog;

as referred to in this Local Law are set by Council in accordance with the provisions of Part 6, Division 5, Subdivision 2 of the Local Government Act 1995.

All other fees and charges referred to in this Local Law are determined pursuant to the Act or Regulations.

Schedule 2

DOG ACT 1976

Shire of Murray

DOG EXERCISE AREAS

NIL

Schedule 3

DOG ACT 1976

Shire of Murray

MODIFIED PENALTIES

Clause	Offence	Penalty
1 3.4	Construct or operate a kennel establishment without Council approval	\$100
2 3.7	Failure of kennel licence holder to maintain an approved kennel establishment in a clean condition	\$100
3 4.1	Keeping more than two dogs	\$100
4 4.2	Permit a Dog to be in prohibited area	\$100
5 4.4	Dog in a Public Place without leash attached	\$100
6 4.5	Failing to remove dog excreta	\$100
8	All other offences not specified	\$100

Schedule 4

DOG ACT 1976

Shire of Murray

LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

Licence No.....

This is to certify that ⁽¹⁾

Is/are the holder(s) of a licence to keep an approved kennel establishment at—

.....

This licence remains valid until

Dated the day of year.....

(Authorised Officer).....

⁽¹⁾ Insert name/s of licence holder(s)

Schedule 5

DOG ACT 1976

Shire of Murray

**APPLICATION FOR LICENCE/RENEWAL OF LICENCE
TO KEEP AN APPROVED KENNEL ESTABLISHMENT**

In conformity with the Dog Act 1976, and the Shire of Murray Local Laws Relating to Dogs,

I/We (full name/s)

Of

Hereby apply for a licence/the renewal of a licence(strike out whichever is not applicable) to keep an approved kennel establishment at—

LotStreet Locality

Owner (name and address)

Occupier (name and address)

Purpose for which the kennel is to be used

.....

Number of dogs to be kept

Breed of Dogs

Attached hereto are—

(i) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;

(ii) two copies of the plans and specificatins of the proposed kennels;

(iii) the fee of \$.....

Dated theday of..... year.....

Signature of Applicant.....

Note: Items (i), (ii) may be struck out if the application is for the renewal of a licence and if no change has been made since the previous application.

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

Dated August 26, 1999.

NOEL H. NANCARROW, Shire President.

N. G. LEACH, Chief Executive Officer.

CEMETERIES ACT 1986

SHIRE OF MURRAY

CEMETERIES LOCAL LAWS

ARRANGEMENT

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Interpretation
- 1.3 Revocation

PART 2—ADMINISTRATION

- 2.1 Powers and Functions of CEO

PART 3—APPLICATION FOR FUNERALS

- 3.1 Application for Burial
- 3.2 Applications to be Accompanied by Certificates etc.
- 3.3 Certificate of Identification
- 3.4 Minimum Notice Required

PART 4—FUNERAL DIRECTORS

- 4.1 Funeral Director's Licence Expiry
- 4.2 Single Funeral Permits
- 4.3 Application Refusal

PART 5—FUNERALS

- 5.1 Requirements for Funerals and Coffins
- 5.2 Funeral Processions
- 5.3 Vehicle Entry Restricted
- 5.4 Vehicle Access and Speed Limitations
- 5.5 Offenders may be Expelled
- 5.6 Conduct of Funeral by Board
- 5.7 Fixing Times for a Funeral
- 5.8 Times for a Funeral
- 5.9 Placement of Ashes

PART 6—BURIALS

- 6.1 Depth of Graves
- 6.2 Mausoleum, etc

PART 7—MEMORIALS AND OTHER WORKS*Division 1—General*

- 7.1 Application for Monumental Work
- 7.2 Placement of Monumental Work
- 7.3 Removal of Rubbish
- 7.4 Operation of Work
- 7.5 Removal of Sand, Soil or Loam
- 7.6 Hours of Work
- 7.7 Unfinished Work
- 7.8 Use of Wood
- 7.9 Plants and Trees
- 7.10 Supervision
- 7.11 Australian War Graves
- 7.12 Placing of Glass Domes and Vases

Division 2—Lawn Section

- 7.13 Specification of Monuments

Division 3—Licensing of Monumental Masons

- 7.14 Monumental Mason's Licence
- 7.15 Expiry Date, Non-Transferability
- 7.16 Carrying out Monumental Work
- 7.17 Responsibilities of the Holder of a Monumental Mason's Licence
- 7.18 Cancellation of a Monumental Mason's Licence

PART 8—GENERAL

- 8.1 Animals
- 8.2 Guide Dogs
- 8.3 Damaging and Removing of Objects
- 8.4 Withered Flowers
- 8.5 Littering and Vandalism
- 8.6 Advertising
- 8.7 Obeying Signs and Directions
- 8.8 Removal from the Cemetery

PART 9—OFFENCES AND MODIFIED PENALTY

- 9.1 Authorised Officer
- 9.2 General
- 9.3 Modified Penalties

CEMETERIES ACT 1986**SHIRE OF MURRAY****CEMETERIES LOCAL LAWS**

In pursuance of the powers conferred by the *Cemeteries Act 1986* and all other powers enabling it, the Council of the above mentioned Local Government hereby records having resolved on the 26 August 1999, to make the following Local Laws.

PART 1—PRELIMINARY**Citation**

1.1 These Local Laws may be cited as the Local Laws relating to the Pinjarra Public Cemetery.

Interpretations

1.2 In these Local Laws unless the context otherwise requires—

“**Act**” means the *Cemeteries Act 1986*.

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

“**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 Pinjarra 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 Murray;

“**mausoleum**” means a building or construction wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;

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

“**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.

“**vault**” means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Local Government.

Revocation

1.3 The Bylaws of the Shire of Murray relating to Cemeteries being—Cemetery—Pinjarra Public published in the *Government Gazette* on the 14 March 1980 and Cemetery Board—dwelling published in the *Government Gazette* 23 December 1971 are hereby revoked.

PART 2—ADMINISTRATION**Powers and Functions of CEO**

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 3—APPLICATION FOR FUNERALS**Application for Burial**

3.1 (i) 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.

(ii) An application under subclause (i) is to be accompanied by the set fee.

Application to be Accompanied by Certificates etc.

3.2 All applications referred to in clauses 2.2.1 shall be accompanied by either a medical certificate of death or a Coroner’s order of burial, and a certificate issued under clause 2.2.3 in respect of the body.

Certificate of Identification

- 3.3** (i) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, 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.
- (ii) 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.

Minimum Notice Required

3.4 All bookings to hold a funeral shall be made with the Local Government at least twenty-four (24) hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

PART 4—FUNERAL DIRECTORS**Funeral Director's Licence Expiry**

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

Single Funeral Permits

4.2 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 grave site.

Application Refusal

4.3 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 grave site, are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5—FUNERALS**Requirements for Funerals and Coffins**

- 5.1** 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 Division 3 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 10mm in height.

Funeral Procession

5.2 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 2.2.1 shall pay the set fee for being late.

Vehicle Entry Restricted

- 5.3** (i) Subject to clause 2.5.3(ii), 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.
- (ii) This Local Law shall not apply to persons using wheelchairs or motorised wheelchairs.

Vehicle Access and Speed Limitations

5.4 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 25km per hour.

Offenders may be Expelled

5.5 A person committing an offence under clause 2.5.4 may be expelled from the cemetery by the CEO or an Authorised Officer.

Conduct of Funeral by Board

- 5.6** The Council may conduct a funeral at a cemetery for the care, control and management of which it is responsible. 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 or the ashes placed;
- (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.

Fixing Times for a Funeral

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

Times for Burials

5.8 (i) A person shall not carry out a burial—

- (a) on Christmas Day
- (b) on Good Friday; or
- (c) at any time other than during the following days and hours—
 - Monday to Friday—9.00am to 11.30am and 1.30pm to 2.30pm
 - Saturday, Sundays and Public Holidays—8.30am to 11.00amexcept with the written permission of the Council.

- (ii) The Council may, by notice displayed at the Council Office and at the Cemetery at least one week before a Public Holiday, close the 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.

Placement of Ashes

5.9 (i) A personal representative may apply in writing to the Council for permission to dispose of ashes in the cemetery and upon payment of the set fee the Council may grant permission for the ashes to be disposed of by one of the following methods—

Grave
Niche Wall
Scattering to the Winds

- (ii) A person other than an Authorised Officer shall not place ashes in the Cemetery.
- (iii) An Authorised Officer may place ashes in the Cemetery provided—
 - (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.

PART 6—BURIALS

Depth of Graves

- 6.1** (i) 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.
- (ii) The permission of the Authorised Officer in sub-clause (i) (a) will only be granted where in the opinion of the Authorised Officer exceptional circumstances require granting of that permission.

Mausoleum, etc.

- 6.2** (i) A person other than the Local Government shall not construct a brick grave, crypt, vault or mausoleum within the cemetery.
- (ii) 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.
 - (iii) An application under subclause (ii) shall be in writing and shall be accompanied by payment of the set fee.
 - (iv) 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 (v)
 - (v) The number of burials in a chamber must not exceed the number for which the chamber was designed.

PART 7—MEMORIALS AND OTHER WORKS*Division 1—General***Application for Monumental Work**

7.1 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.

Placement of Monumental Work

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

Removal of Rubbish

7.3 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.

Operation of Work

7.4 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.

Removal of Sand, Soil or Loam

7.5 No sand, earth or other materials 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.

Hours of Work

7.6 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.

Unfinished Work

7.7 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.

Use of Wood

7.8 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.

Plants and Trees

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

Supervision

7.10 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.

Australian War Graves

7.11 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.

Placing of Glass Domes and Vases

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

- (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act.
- (b) on the lawn in an area set aside by the Local Government as a lawn or a memorial plaque section.

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

- 7.13** (i) An admiralty bronze memorial plaque shall be placed at each plot.
- (ii) The plaque shall be of the following dimensions: 400mm x 300mm.
 - (iii) No headstone or other monument shall be erected in the lawn section.
 - (iv) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

*Division 3—Licensing of Monumental Masons***Monumental Mason's Licence**

7.14 (i) 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.

- (ii) A licence issued under sub-clause (i) 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.

Expiry Date, Non-Transferability

7.15 A monumental mason's licence—

- (a) shall, subject to clause 2.2.18, be valid from the date specified therein until the 30th day of June next following; and
(b) is not transferable.

Carrying out Monumental Work

7.16 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 2.2.14 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.

Responsibilities of the Holder of a Monumental Mason's Licence

7.17 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.

Cancellation of a Monumental Mason's Licence

7.18 (i) 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.
(ii) 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.
(iii) 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 8—GENERAL**Animals**

8.1 Subject to clause 2.8.2, 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.

Guide Dogs

8.2 Clause 2.8.1 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

8.3 Subject to clause 2.8.4, 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.

Withered Flowers

8.4 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

8.5 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 letter in or upon the cemetery other than in a receptacle provided for that purpose.

Advertising

8.6 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

8.7 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

8.8 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 9—OFFENCES AND MODIFIED PENALY**Authorised Officer**

9.1 An authorised officer may and is authorised by the Local Government to—

- (a) carry into effect the provisions of this Local Law;
- (b) report to the Local Government on the working effectiveness of this Local Law;
- (c) make inquiries and investigations concerning any alleged, purported, or actual offence against any of the provisions of this Local Law, with power to interview, question and obtain the full name and place of residence from persons wheresoever living in respect of offences and suspected offences within the district;
- (d) institute and conduct prosecutions for offences against this Local Law; and
- (e) issue any Infringement Notice.

General

9.2 A person who commits a breach of any provisions of this Local Law 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

- 9.3** (i) The offences specified in the First Schedule are offences which may be dealt with under section 63 of the Act.
- (ii) The modified penalty payable in respect of an offence specified the First Schedule is set out in the fourth column of the First Schedule.
- (iii) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Second Schedule.
- (iv) 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.

*Schedule 1***CEMETERIES ACT, 1986****Shire of Murray****MODIFIED PENALTIES**

Item	Clause	Nature of Offence	Modified Penalty
1	5.4	Excessive speed	\$100
2	5.4	Unauthorised use—driving of vehicles	\$100
3	7.3	Placing and removal of rubbish and surplus materials	\$100
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$100
5	8.1	Animal at large	\$100
6	8.5	Dumping of Rubbish	\$100
7	8.6	Unauthorised advertising, and/or trading	\$100
8	8.7	Disobeying sign or lawful direction	\$100

Schedule 2
CEMETERIES ACT, 1986
INFRINGEMENT NOTICE
Shire of Murray

Infringement
No:.....
Date:...../...../.....

To:..... Address:.....
(surname) (given name)

Vehicle No:..... Make:.....
Place: Model:.....

Date: Time:.....am / pm

It is alleged that you have committed the following offence:

of the Shire of Murray Cemeteries Local Laws

Other breach:.....

Officer's name	Officer's signature	Modified Penalty	\$
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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 Administration Centre, Shire of Murray, Pinjarra Road (PO Box 21, Pinjarra) 6208, within a period of 21 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matters is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Clause	Modified Penalty \$100.00	Clause	Modified Penalty \$100.00
5.4	Excessive speed	8.1	Animal at large
5.4	Unauthorised use—driving of vehicles	8.5	Dumping of rubbish
7.3	Placing and removal of rubbish and surplus materials	8.6	Unauthorised advertising, and/or trading
7.7	Leaving uncompleted works in an untidy or unsafe condition	8.7	Disobeying sign or lawful direction

Schedule 3
CEMETERIES ACT, 1986
WITHDRAWAL OF INFRINGEMENT NOTICE
Shire of Murray

Date:...../...../.....

To:..... Address:.....
(surname) (given name)

Infringement
Notice No:..... in respect of

Vehicle No:..... Make:.....
Place: Model:.....

Date: Time:.....am / pm

For the alleged offence of

of the Shire of Murray Cemeteries Local Laws

has been withdrawn.

The modified penalty of

\$

- * No further action will be taken
- * it is proposed to institute court proceedings for the alleged offence
- * delete as appropriate

Authorised Officer

Title:.....

Name:..... Signature:.....

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

Dated August 26, 1999.

NOEL H. NANCARROW, Shire President.

N. G. LEACH, Chief Executive Officer.



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