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SHIRE OF KOORDA

LOCAL GOVERNMENT ACT 1995

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL LAW RELATING TO PEST PLANTS

LOCAL GOVERNMENT ACT 1995

**LOCAL LAW RELATING TO THE REPEAL OF DEFUNCT
AND OBSOLETE LOCAL LAWS MADE UNDER THE
LOCAL GOVERNMENT ACT 1960 AND EARLIER
LEGISLATION**

CEMETERIES ACT 1986

**MODEL LOCAL LAW
(CEMETERIES) 1998**

**LOCAL GOVERNMENT ACT 1995
AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

SHIRE OF KOORDA

LOCAL LAW RELATING TO PEST PLANTS

In pursuance of the powers conferred upon it by the abovementioned Acts and of all other powers enabling it, the Council of the Shire of Koorda resolved on the 16th day of February, 2000 to make the following local law.

Repeal

The local laws of the Shire of Koorda Relating to Pest Plants published in the *Government Gazette* of 19 March, 1982, are repealed.

Dated this 16th day of February of 2000.

The Common Seal of the of the Shire of Koorda was hereunto affixed in the presence of—

V. F. ORCHARD, President.

G. J. McDONALD, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF KOORDA

**LOCAL LAW RELATING TO THE REPEAL OF DEFUNCT AND
OBSOLETE LOCAL LAWS MADE UNDER THE LOCAL
GOVERNMENT ACT 1960 AND EARLIER LEGISLATION**

Under the powers conferred by the Local Government Act 1995 and by all other powers, the local government of the Shire of Koorda resolved to make the following Local Law on the 16th day of February, 2000.

Repeal

The following local laws are repealed—

By-laws relating to—

General and Buildings, published in the *Government Gazette* of 12 October, 1928;

Discount on Rates, published in the *Government Gazette* of 22 November, 1935;

Straying Stock, published in the *Government Gazette* of 8 May, 1936;

Supply of Water, published in the *Government Gazette* of 22 January, 1937;

Appointment of Employees, published in the *Government Gazette* of 5 December, 1941;

Long Service Leave, published in the *Government Gazette* of 7 May, 1954;

Depositing and Removal of Refuse, Rubbish and Disused Materials, published in the *Government Gazette* of 19 May, 1989;

Parking Facilities, published in the *Government Gazette* of 20 April, 1990.

Dated this 16th day of February, 2000.

The Common Seal of the Shire of Koorda was affixed in the presence of—

V. F. ORCHARD, President.

G. J. McDONALD, Chief Executive Officer.

CEMETERIES ACT 1986

SHIRE OF KOORDA

CEMETERIES LOCAL LAW

Under the powers conferred by the Cemeteries Act 1986, the Council of the Shire of Koorda resolved on the 16th February, 2000 to adopt the Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998 with such modifications as are here set out:

Repeal

The following Local Law is repealed:- "The Koorda and Cowcoving Public Cemeteries By-laws published in the *Government Gazette* on 17th January, 1930, as amended."

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

V. F. ORCHARD, President.

G. J. McDONALD, Chief Executive Officer.

MODEL LOCAL LAW
(CEMETERIES) 1998
ARRANGEMENT

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Interpretation
- 1.3 Repeal

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*Division 1—General*

- 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

PART 6—BURIALS

- 6.1 Depth of Graves

PART 7—MEMORIALS AND OTHER WORK*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 Headstones

Division 4—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 General
- 9.2 Modified Penalties

First Schedule—Modified Penalties

Second Schedule—Infringement Notice

Third Schedule—Withdrawal of Infringement Notice

CEMETERIES ACT 1986

SHIRE OF KOORDA

CEMETERIES LOCAL LAW**PART 1—PRELIMINARY****1.1 Citation**

This Local Law may be cited as the *Cemeteries Local Law*

1.2 Interpretation

In this Local Law unless the context otherwise requires—

“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 Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this Local Law;

“CEO” means the chief executive officer for the time being, of the Board;

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

“Board” means the Shire of Koorda;

“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 Board and published in the *Government Gazette*, under section 53 of the Act;

“single funeral permit” means a permit issued by the Board 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.

1.3 Repeal

The following Local Law is repealed:— the Shire of Koorda and Cowcowing Cemeteries Bylaws published in the *Government Gazette* on 17th January, 1930 as amended.

PART 2—ADMINISTRATION**2.1 Powers and Functions of CEO**

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

PART 3—APPLICATION FOR FUNERALS**3.1 Application for Burial**

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

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

3.2 Applications to be Accompanied by Certificates etc

All applications referred to in clauses 3.1 and 3.2 shall be accompanied by either a medical certificate of death or a Coroner’s order of burial, and a certificate issued under clause 3.4, in respect of the body.

3.3 Certificate of Identification

(1) 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 Board 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 Board from time to time.

3.4 Minimum Notice Required

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

PART 4—FUNERAL DIRECTORS

4.1 Funeral Director's Licence Expiry

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

4.2 Single Funeral Permits

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.

4.3 Application Refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, 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 5—FUNERALS

Division 1—General

5.1 Requirements for Funerals and Coffins

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

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this Local Law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid;
and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

5.2 Funeral Processions

The time fixed by the Board 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 3.1 shall pay the set fee for being late.

5.3 Vehicle Entry Restricted

- (1) Subject to clause 5.3(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 clause shall not apply to persons using wheelchairs or motorised wheelchairs.

5.4 Vehicle Access and Speed Limitations

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.

5.5 Offenders may be Expelled

A person committing an offence under clause 5.4 may be expelled from the cemetery by the CEO or an authorised officer.

5.6 Conduct of Funeral by Board

When conducting a funeral under section 22 of the Act the Board 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 this Local Law;
- (f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

Division 3—Placement of Ashes

5.7 Disposal of Ashes

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

Niche Wall

Other memorials approved by the Board

- (2) Subject to sub-clauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided—
- (a) the person requesting the placement of the ashes has the permission of the Board; and
 - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6—BURIALS

6.1 Depth of Graves

- (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.

PART 7—MEMORIALS AND OTHER WORK

Division 1—General

7.1 Application for Monumental Work

A Board 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.

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of Rubbish

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.

7.4 Operation of Work

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.

7.5 Removal of Sand, Soil or Loam

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 Board.

7.6 Hours of Work

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 Board.

7.7 Unfinished Work

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.

7.8 Use of Wood

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 Board.

7.9 Plants and Trees

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

7.10 Supervision

All workers, whether employed by the Board 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.

7.11 Australian War Graves

Notwithstanding anything in this Local Law 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.

7.12 Placing of Glass Domes and Vases

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

7.13 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

*Division 4—Licensing of Monumental Masons***7.14 Monumental Mason's Licence**

(1) The Board 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 this Local Law and such conditions as the Board shall specify upon the issue of that licence.

7.15 Expiry Date, Non-Transferability

A monumental mason's licence—

- (a) shall, subject to clause 7.20, be valid from the date specified therein until the 30th day of June next following; and
- (b) is not transferable.

7.16 Carrying out Monumental Work

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

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.16 or does so as the employee of a person who holds such a licence; or
- (b) is authorised by the Board to do so.

7.17 Responsibilities of the Holder of a Monumental Mason's Licence

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, this Local Law, the Act and any other written law which may affect the carrying out of monumental works.

7.18 Cancellation of a Monumental Mason's Licence

(1) The Board 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, this Local Law, the Act or any other written law which may affect the carrying out of monumental works;
- (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
- (c) that the holder of the licence has purported to transfer the licence 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 Board.

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

PART 8—GENERAL**8.1 Animals**

Subject to clause 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.

8.2 Guide Dogs

Clause 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.

8.3 Damaging and Removing of Objects

Subject to clause 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 Board without the permission of the Board.

8.4 Withered Flowers

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

8.5 Littering and Vandalism

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.

8.6 Advertising

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

8.7 Obeying Signs and Directions

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

8.8 Removal from the Cemetery

Any person failing to comply with any provisions of this Local Law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this Local Law be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

PART 9—OFFENCES AND MODIFIED PENALTIES**9.1 General**

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.

9.2 Modified Penalties

(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 Koorda Cemeteries Local Law***MODIFIED PENALTIES**

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.4	Excessive speed	\$50.00
2	5.4	Unauthorised use—driving of vehicles	\$50.00
3	7.3	Placing and removal of rubbish and surplus materials	\$50.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
5	8.1	Animal at large	\$50.00
6	8.5	Dumping of Rubbish	\$50.00
7	8.6	Unauthorised advertising, and/or trading	\$50.00
8	8.7	Disobeying sign or lawful direction	\$50.00

Second Schedule

CEMETERIES ACT 1986

*Shire of Koorda Cemeteries Local Law***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 **Cemeteries Local Law**

GRAEME McDONALD, Chief Executive Officer.

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 Koorda corner Haig and Allenby Street, Koorda between the hours of 8.00am to 5.00pm Monday to Friday.

Please make cheques payable to Shire of Koorda, payments by mail should be addressed to:

The Chief Executive Officer
Shire of Koorda
PO Box 20
KOORDA WA 6475

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 Koorda Cemeteries Local Law
WITHDRAWAL OF INFRINGEMENT NOTICE

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

To (1).....

Infringement Notice Nodated...../...../.....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.

GRAEME McDONALD, Chief Executive Officer.

Cemeteries Local Law
Form 1
CEMETERIES ACT 1986
GRANT OF RIGHT OF BURIAL

(cl 3.1)

By virtue of the Cemeteries Act 1986, the Shire of Koorda in consideration of the sum shown hereunder paid by the Payer indicated on behalf of the Grantee named in the Schedule, hereby grants to the said Grantee the RIGHT of BURYING BODIES in that piece of ground within the Compartment, Section and Number on the plan of the Cemetery as shown hereunder.

TO HOLD the same to the said Grantee for the period of twenty five (25) years from the date hereof, for purposes of burial only.

This Grant is issued subject to all Local Laws and Regulations now or hereafter in force, made, or to be made under the above Act, or any future Act or Acts.

SCHEDULE

GRANT NO:.....

GRANTEE:

Name

Address

PAYER:

Name

Address

SUM IN CONSIDERATION
Dollars

OFFICE RECORDS

GRAVE SITE—

Compartment

Deceased

Section..... Application

Number.....

Number..... Register

Folio

.....

Signature of Issuing Officer

Designation

Date

NB: This grant is an important document and **MUST BE PRODUCED** before the grave can be reopened and to an authorised monumental mason for the establishment of any headstone.

Cemeteries Local Law

Form 2

CEMETERIES ACT 1986

DECLARATION OF OWNERSHIP OF MISSING “GRANT OF RIGHT OF BURIAL”

I, (a)

of (b)

do solemnly and sincerely declare as follows—

1. I am the person described as (c)
in the Grant of Right of Burial numbered.....
issued by the Shire of Koorda on the..... day
of One thousand nine hundred
and ninety.....
2. (d)
3. I have not transferred any of my rights under the said 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 199..... before me—

Signature of Declarant

Witnessed by

(Print Name)

Signature of Witness

Address of Witness

- (a) Full name of Declarant
- (b) Address and Occupation of Declarant
- (c) State whether Grantee or Assignee
- (d) Set out circumstances leading to loss or destruction of Grant, and if lost, action taken by Declarant to ascertain whereabouts of Grant.

Cemeteries Local Law

Form 3

CEMETERIES ACT 1986

ASSIGNMENT OF GRANT OF RIGHT OF BURIAL

(cl 3.4)

To the Shire of Koorda

I,
of
being the holder of a grant of right of burial numbered
and issued by the Shire of Koorda on
in respect of the
Cemetery for good and valuable consideration assign all my rights under that grant to

.....
(Full name)

of
(address)

Dated this day of 19.....

Signature of person assigning grant

Signature of person to whom grant is assigned

Signature of witness

Registered by the Shire of Koorda on the day of 19.....

.....
Authorised Officer

Cemeteries Local Law

Form 4

CEMETERIES ACT 1986

APPLICATION FOR BURIAL AND INSTRUCTION FOR GRAVE

(cl 3.1)

APPLICATION No.....

SURNAME OF DECEASED:

OTHER NAMES:

OCCUPATION:

ADDRESS:

AGE: DATE OF DEATH:/...../19.....

DATE & TIME OF BURIAL: /.../19... RELIGIOUS AFFILIATION:

AREA: SECTION: GRAVE NO:

LENGTH & WIDTH OF COFFIN: DEPTH OF GRAVE:

SIZE OF GROUND: GRANT NO:

GRAVE TYPE:

PLACE "X" IN BOX IF:

FIRST INTERMENT:

MALE:

FEMALE:

IS A GRANT REQUIRED: No:

Yes:

OTHER INTERMENT APPLICATION NUMBERS:

.....

.....

.....

.....

NAME AND ADDRESS OF APPLICANT FOR/OR CURRENT HOLDER OF GRANT OF RIGHT OF BURIAL:

SIGNATURE: DATE:/...../19.....

NAME OF MINISTER OR PERSON OFFICIATING:	NAME OF FUNERAL DIRECTOR:
.....
SIGNATURE:.....	SIGNATURE:.....
DATE:/...../19.....	DATE:/...../19.....
NAME AND ADDRESS OF PERSON MAKING APPLICATION FOR BURIAL:	
.....	
SIGNATURE: DATE:/...../19.....	
DOCTOR'S CERT, REQ'D: <input type="checkbox"/>	CORONER'S ORDER REC'D: <input type="checkbox"/>
GRANT OF BURIAL SENT:...../...../19.....	RECEIPT No. ISSUED:
MONUMENTAL MASON:	DATE WORKS APPROVED:/...../19.....

Cemeteries Local Law

Form 5

CEMETERIES ACT 1986

APPLICATION FOR CREMATION AND INSTRUCTION FOR ASHES

(cl 3.2)

APPLICATION No.....

SURNAME OF DECEASED:

OTHER NAMES:

OCCUPATION:

ADDRESS:

AGE: DATE OF DEATH:/...../19.....

DATE & TIME OF BURIAL:/...../19..... RELIGIOUS AFFILIATION:.....

AREA: SECTION: GRAVE NO:.....

GRANT NUMBER:

GRAVE TYPE:

PLACE "X" IN BOX IF:

MALE:

FEMALE:

OTHER INTERMENT APPLICATION NUMBERS:

.....

.....

.....

NAME AND ADDRESS OF ADMINISTRATOR:

.....

SIGNATURE

DATE:

DISPOSAL DETAILS:

.....

.....

NAME OF MINISTER OR PERSON OFFICIATING:

.....

NAME OF FUNERAL DIRECTOR:

.....

SIGNATURE:.....

SIGNATURE:.....

DATE:/...../19.....

DATE:/...../19.....

DATE CREMATION PERMIT ISSUED:/...../19.....

No. OF CREMATION PERMIT:

RECEIPT No:

TELEPHONE No:

CERT. OF CREMATION PREPARED:/...../19.....

LETTERS RE DISPOSAL OF ASHES SENT:/...../19.....

ORDERED:/...../19.....

COMPLETED:/...../19.....

Cemeteries Local Law
Form 6
CEMETERIES ACT
CERTIFICATE OF IDENTIFICATION

(cl 3.4(1))

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:

Cemeteries Local Law
Form 7
CEMETERIES ACT 1986
CERTIFICATE DISPENSING WITH IDENTIFICATION

(cl 3.4(2))

I,
of
the funeral director engaged to arrange the funeral of the body of certify
that—

- (a) the body 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;
and

(b) the body is in a coffin bearing the name plate/inscription marked:

Dated this day of 19.....

Signed:

Endorsed by the applicant for the funeral:

(Full name)

Signed:

(Signature)

(* delete if inapplicable)

Cemeteries Local Law
Form 8
CEMETERIES ACT 1986
APPLICATION FOR FUNERAL DIRECTOR'S LICENCE

(S 17 (1))

(i)
hereby applies 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 supplies the following particulars—

1. To be completed by all Applicants:-

- (a) Trading name of business.
.....
(b) Address from which business will be carried out
..... Telephone No:
(b) Number of years for which Applicant has previously held a Funeral Director's License.
(d) Details of offences under the Cemeteries Act, Cremation Act or the Local Law 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 year
- (iii) State whether applying in person or 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 in item 1(e)”

OFFICE USE ONLY

Received

Referred to Council

Approved

Licence issued

—————

Cemeteries Local Law
 Form 9
 CEMETERIES ACT 1986
FUNERAL DIRECTOR’S LICENCE

(S17 (2))

.....
 of

is hereby licensed to undertake funerals within the Cemetery from the day of 19 until the 30th day of June 19

Place of business

Conditions

.....

Given this day of 19

by authority of the Shire of Koorda

.....
Chief Executive Officer

—————

Cemeteries Local Law
 Form 10
 CEMETERIES ACT 1986
APPLICATION FOR SINGLE FUNERAL PERMIT

(cl 4.2)

I, (name)

of (address)

hereby make application for a SINGLE FUNERAL PERMIT for the Late

.....

to take place on (day) (month) 19

at (time) and in support of this application I hereby submit—

- 1. Medical Certificate
- Coroner’s Certificate
- Permit to Cremate
- Application for Burial
- Application for Cremation

- 2. I have permission to re-open the grave if required.
- 3. The deceased will be enclosed in a substantial casket having the following dimensions-
Length Width Depth
- 4. The casket will be obtained from
- 5. There will be legible name stamped on a lead plate under the name plate on the top of the coffin.
- 6. The vehicle used to transport the coffin within the cemetery is a suitable vehicle of the following description:
Vehicle Make Type Year
- 7. If a permit is issued I will comply with the Cemetery Local Law and conditions prescribed by the local government and pay the required fees.

(Signature)

Office Use Only

Application No

Approval of Vehicle and Casket

Refer to Council:

Licence issued:

—————
Cemeteries Local Law
 Form 11
 CEMETERIES ACT 1986

Application No.

AUTHORITY FOR PLACEMENT OF ASHES

(cl 5.12)

Of the Late

Died Aged

Instructions for placement of ashes:—

Total amount payable \$.....

If second interment state name of first interment

Location (if known)

Name of personal representative:

Address

Telephone Home Work

Signature Date

—————
Cemeteries Local Law
 Form 12
 CEMETERIES ACT 1986
APPLICATION FOR MONUMENTAL WORK

(cl 5.30)

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 SHIRE OF KOORDA 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 Renovate Or Add Further

Install A New Memorial

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.

Cemeteries Local Law

Form 13

CEMETERIES ACT 1986

APPLICATION FOR MONUMENTAL MASON'S LICENCE

(cl 7.16)

I/We the undersigned hereby apply for the issue of a licence for the period beginning the day of 19 and ending the day of 19 to undertake and complete monumental work within the cemetery and in support of this application enclose a fee of \$ and provide the following particulars—

1. To be completed by all Applicants—

(a) Address from which business will be carried on:

..... Telephone No:

(b) Number of years for which Applicant has previously held a Monumental Mason's Licence:

(c) Full name, address and capacity of person completing this application:

2. To be completed if the Applicant is a Company—

(a) Full names and addresses of—

Director/s

Manager/s

Secretary

(b) Registered Office

3. To be completed if Applicant is a Partner—

(a) Full name and address of partner/s

4. To be completed if Applicant is neither a Company nor Partnership—

Full name:

Address:

Dated at this day of 19....

Signature:.....

Shire of Koorda

MONUMENTAL MASON'S LICENCE

Date Received

Date Approved

Conditions:

Signature of Issuing Officer: Designation.....

Date:

**National Competition Policy
Public Benefit Test
Review of Local Laws Relating to Cemetery**

Review Conduct:

This local law review was conducted by E Chown, co-ordinator of the Local Laws WA Service, Western Australian Municipal Association. Competition issues have been considered by the Local Government Act Services Committee comprising representatives from the Department of Local Government, the Western Australian Municipal Association and the Institute of Municipal Management.

Objectives of the Local Law:

The objective of this Local Law is to provide for the orderly management of a cemetery in accordance with established plans, and to create offences for inappropriate behaviour within the cemetery grounds.

Restrictions on competition contained in the Local Law:

- Cl 4.3 A 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, or crematorium, are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.
- Cl 6.2(1) Only the local government is permitted to construct a brick grave, crypt, vault or mausoleum within the cemetery.
- Cl 7.6 Work within the cemetery restricted to 8am to 6pm weekdays, and 8am to noon Saturday, except with written permission.
- Cl 7.13(i) Monuments in lawn section to be of natural stone.
- Cl 7.13(3) A person shall not display any trade names or marks upon any monument erected within the lawn section.
- Cl 7.15(1) Memorial plaques in the memorial plaque section to be of admiralty-bronze or other approved material.
- Cl 7.18 A person is not to carry out monumental work unless licensed.
- Cl 7.20 A monumental mason's licence can be cancelled on certain grounds without a refund of any fee paid.
- Cl 8.6 Advertising in the cemetery is prohibited without written approval.

These restrictions are classified as minor due to the small impact of the restrictions on the economy (estimated to be less than \$1m)

Effects of the restrictions

- | | | |
|------------|----------|---|
| Cl 4.3 | Positive | The focus on the coffin and vehicle in the case of single funeral permits results in a licensed undertaker conducting the vast majority of funerals and so ensures appropriate standards. |
| | Negative | A person wanting to bury a body can find it expensive meeting prevailing costs and standards. |
| Cl 6.2(1) | Positive | Ensures that brick graves and the like are vermin proof, incapable of entry by vandals, impervious, odourless and aesthetic. |
| | Negative | Creates a monopoly for the local government, but if the restrictions were removed, administration and supervision costs would significantly increase. |
| Cl 7.6 | Positive | The allowed operating hours satisfy normal market forces of supply and demand and keep supervision costs down. |
| | Negative | Could be inconvenient and costly to obtain written permission to work out of hours. |
| Cl 7.13(1) | Positive | Natural stone is less likely to fade or otherwise degenerate. |
| | Negative | Artificial materials may cost less and at least initially, appear more resplendent. |
| Cl 7.13(3) | Positive | By not allowing advertising on monuments, dignity and simplicity is preserved. |
| | Negative | This could increase advertising costs to a manufacturer of monuments, or otherwise make it difficult for a potential customer to contact the manufacturer. |
| Cl 7.15(1) | Positive | Ensures longevity and aesthetics of the plaques |
| | Negative | Can make plaques more costly. |
| Cl 7.18 | Positive | The local government can ensure in considering an application for a monumental mason's licence, that the applicant is appropriately qualified for the task and is informed of all applicable conditions of operation. |
| | Negative | There is a compliance cost to licensing and this will add to the cost of monumental works but only in a minor way. |
| Cl 7.20 | Positive | A monumental mason can be stopped from operating if he fails to meet stipulated standards. |
| | Negative | This creates a small degree of uncertainty to an undertaker which is alleviated to some extent by a right of appeal. |
| Cl 8.6 | Positive | Advertising in a cemetery can be seen as disrespectful to the dead or (in terms used in part of the Act) 'inappropriate or unbecoming'. |
| | Negative | Makes it more difficult to market some products. |

Assessing the Benefits and Costs of the Restrictions

The benefits of the restrictions to competition are deemed to outweigh the costs in terms of public benefit.

The need for standards and standardisation are important to establish and preserve the amenity of the cemetery and are the foundation of the cost structure for burial in certain parts of the cemetery.

This provides justification for clauses 6.2(1), 7.13(1), 7.15(1), 7.18, 7.20.

Unacceptable behaviour in a cemetery has been determined by centuries of tradition and influenced by the fact that persons in a cemetery can be emotional and easily upset. Community expectations are that functions within a cemetery be performed with dignity and respect, hence restrictions contained in Cl 4.3, 7.6, 7.13(3), 8.6.

Alternative means of achieving the objectives

A system of self-regulation is an alternative to the regulatory controls of this Local Law, however, if the cemetery is to be developed in a planned way as envisaged by the Cemeteries Act 1986, regulation becomes essential. There are no alternative approaches that will achieve the same or better outcomes as the Local Law.

Overall conclusion

The restrictions contained in this Local Law relating to cemeteries have been demonstrated to be in the public interest and necessary to achieve the objectives of the legislation. Alternative means have been considered, however it is thought that a legislative approach is required to achieve certainty of outcomes.



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