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CEMETERIES

CE401

CEMETERIES ACT 1986

Shire of Esperance

CEMETERIES LOCAL LAW

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Esperance resolved on 27th June 2023 to make the Shire of Esperance Cemeteries Local Law 2023.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Esperance *Cemeteries Local Law 2023*.

1.2 Application

This local law applies to all cemeteries located within the Shire of Esperance.

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.4 Interpretation

- (1) In this local law 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 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;

Board means the Shire of Esperance;

cemetery means any cemetery which the Governor by order has vested under the care, control and management of the Board.

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

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

Defence Force means Australian Defence Force as defined in the *Defence Force Act 1903 (Cth)*.

funeral means the burial or cremation of a dead body;

Funeral Director means a person holding a current funeral director's licence;

headstone means a memorial designed for placement at the head of a grave commemorating a grave or the placement of ashes;

holder in relation to a grant of right of burial includes a person for the time being appearing to the Board to be the holder of the grant;

monumental mason means a person holding a current monumental mason's licence;

monumental mason's licence means a licence issued by the Board;

monumental work when a term is used as an abstract noun shall include the erection, alteration or removal of or other working upon a monument on a grave;

military grave means a grave eligible for commemoration by the Office of Australian War Graves;

niche wall means a structure for the placement of a container of ashes in a compartment secured with a covering memorial plaque;

right of burial means the right to use a specified area of a cemetery for burial;

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.

vault means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board.

- (2) Unless otherwise defined herein the terms and expressions used in this local law are to have the meaning given to them in the Act.

1.5 Repeal

The Shire of Esperance *Cemeteries Local Law 2002* published in the *Government Gazette* on 13 December 2002, and subsequent amendments, is repealed.

PART 2—ADMINISTRATION***Division 1—General*****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.

Division 2—Right of Burial**2.2 Issuing Grants**

The Board may, upon the written application of a person and upon payment of a set fee issue that person with a grant for a term of twenty five (25) years.

2.3 Right of holder

- (1) Subject to this local law, to the prior approval of the Board and to the terms and conditions (if any) imposed by the Board, a grant confers on the holder, during the term of the grant, an exclusive right—
 - (a) to be buried in a grave specified in the grant; and
 - (b) to carry out monumental works on the gravesite specified in the grant.
- (2) The Board, in its absolute discretion, may determine from time to time the number of dead bodies or ashes which may be placed in the grave.
- (3) The Board or an authorised officer may request the holder to produce the grant before the exercise of any of the rights referred to in subclause (1) and the holder shall forthwith comply with that request.
- (4) If the location stipulated in the grant of right of burial is significantly and adversely affected prior to or at the time of burial by unforeseen conditions the Board may allocate any other gravesite of the grantee's choosing that is not already subject to a grant.

2.4 Renewal of Grant

- (1) Where, at any time during the term of a grant, a holder—
 - (a) makes written application; and
 - (b) pays a set fee, the Board must renew the grant for a further term of twenty five (25) years commencing on the expiry date of the grant.
- (2) The set fee for the issue of a new grant pursuant to this clause shall be determined by the Board from time to time.
- (3) The Board may request the holder to deliver an existing grant to it prior to issuing a new grant.
- (4) The holder shall forthwith upon receiving a request by the Board in accordance with sub-rule (3) deliver the existing grant to the Board.

2.5 Replacement of Grant

- (1) The Board may—
 - (a) upon the written application of a holder; and
 - (b) upon the production of evidence to the satisfaction of the Board, issue a new grant to replace a grant which is lost or destroyed.
- (2) Notwithstanding subclause (1), the Board may prior to issuing a replacement grant, require the holder to make a statutory declaration in a form determined by the Board.
- (3) The replacement grant issued by the Board shall be deemed to be the original grant.

2.6 Transfer of Grant

A holder who desires to transfer a grant to another person shall make an application to the Board in a form determined by the board and upon receipt of the application the Board may grant permission in accordance with section 26 of the Act.

2.7 Exercising the rights of holder

If evidence is produced in writing to the satisfaction of the Board that a holder is unavailable or not immediately ascertainable, or has died and has not specifically bequeathed a grant, then the rights conferred upon that holder may be exercised by a holder's personal representative or a person acting expressly on behalf of a personal representative. If those persons are unavailable or not immediately ascertainable, the Board may approve any other person.

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

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 3.3, in respect of the body.

3.3 Certificate of identification

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,

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 (24) hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

3.5 Fixing times for Funeral

The time fixed for a funeral is at the discretion of the Board.

3.6 Receipt of application for Funeral

Where an application is received by the Board in accordance with clause 3.1 or 3.2, then subject to any other provision of this local law, the Board shall—

- (a) fix a time for a funeral; and
- (b) prepare a grave.

3.7 Times for burials

A person shall not carry out a burial—

- (a) on a gazetted public holiday in the State of Western Australia; or
- (b) outside of the hours of 10:00am—3:00pm on a weekday; or
- (c) except with the written permission of the Board.

PART 4—FUNERAL DIRECTORS**4.1 Directing a Funeral**

A person shall not direct a funeral within a cemetery or otherwise make use of the cemeteries for any purpose connected with directing the funeral unless that person is—

- (a) the funeral director;
- (b) an employee of the funeral director; or
- (c) a holder of a single funeral permit.

4.2 Funeral Director's licence

- (1) The Board may upon the receipt of an application in writing by a fit person in a form determined by the Board and upon payment of a set fee, issue to an applicant a funeral director's licence authorising a holder to direct funerals within a cemetery at such times and on such days and subject to such conditions as the Board shall specify and in compliance with the provisions of this Local law.
- (2) If the application referred to in subclause (1) is approved by the Board, the Board shall issue to the applicant a licence in a form determined by the Board.
- (3) A person who is the holder of a current funeral director's licence may apply for a new licence for the following year by lodging with the Board an application form and payment of the set fee.

4.3 Funeral Director's licence expiry

A funeral director's licence—

- (a) shall expire on the 30th day of June in each year or when a licence is cancelled pursuant to clause 4.5, whichever shall occur sooner; and
- (b) is not transferable.

4.4 Responsibilities of holder of Funeral Director's licence

A holder of a funeral director's licence shall be responsible for the compliance by every person purporting to be authorised to direct a funeral within a cemetery pursuant to that licence with—

- (a) all the requirements of—
 - (i) the licence,
 - (ii) this Local law; and
 - (iii) the Act; and
- (b) the conditions imposed by the Board in respect of that licence.

4.5 Cancellation of Funeral Director's licence

- (1) The Board may, by notice in writing to a holder of a funeral director's licence, cancel a licence if—
 - (a) the holder of the licence or any employee of the holder has committed a breach of this Local law, the Act or any of the conditions upon which the licence was issued;

- (b) in the opinion of the Board, the conduct of the holder of the funeral director's licence or any employee of the holder in directing or attempting to direct a funeral within a cemetery is inappropriate or unbecoming;
 - (c) the holder of the funeral director's licence has purported to transfer the licence issued to that holder;
 - (d) the funeral director's licence was issued erroneously or in consequence of a false or fraudulent document, statement or representation;
 - (e) the fee for the funeral director's licence is due and unpaid;
 - (f) the holder of the funeral director's licence is convicted of an offence against this Act or this Local law; or
 - (g) the Board is no longer satisfied that the holder of the funeral director's licence—
 - (i) is of good repute and is fit to hold the funeral director's licence; or
 - (ii) has suitable facilities and equipment for handling and storing dead bodies and conducting funerals.
- (2) Upon the cancellation of the licence pursuant to this clause, no part of any fee paid for the issue of that licence is refundable by the Board.

4.6 Single Funeral Permits

- (1) The Board may upon receipt of an application in writing by a person in a form determined by the Board and upon payment of a set fee issue to an applicant a single funeral permit authorising a holder to direct a funeral of the person named in a permit within a cemetery at such time and subject to such conditions as the Board shall specify upon the issue of that permit or in this local law.
- (2) Every application for the single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of a vehicle transporting a dead body to a gravesite.
- (3) The Board may refuse an application for the single funeral permit if, in the opinion of the Board, either a coffin's 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.

5.3 Vehicle entry restricted

Every funeral procession shall enter by the principal entrance, and no vehicle except the following shall be permitted to enter the cemetery—

- (a) hearse;
- (b) official mourning coaches;
- (c) vehicles with an ACROD parking permit;
- (d) wheelchairs of motorised wheelchairs; or
- (e) vehicles with the prior approval by—
 - a. the CEO;
 - b. an authorised officer; or
 - c. the funeral director;

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 20km per hour.

5.5 Offenders may be ordered to leave

A person committing an offence under clause 5.4 may be ordered to leave 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 2—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.
- (2) Subject to subclauses (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 subclause (1)(a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that

6.2 Re-opening a grave

- (1) Subject to subclause (2), if for the purpose of a re-opening a grave in a cemetery the Board finds it necessary to remove a monument, edging, titles, plants, grasses, shrubs or other like matter from the grave, then a person ordering a re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.
- (2) If a Minister orders the exhumation of a body in accordance with section 58 of the Act, then the Minister may further order how and by whom the costs referred to in subclause (1) shall be met.

6.3 Disinterring a coffin

- (1) Subject to subclause (2), a person shall not disinter a coffin in a cemetery for the purposes of reburial within twelve (12) months after the date of its interment.
- (2) Subclause (1), shall not apply where the coffin is disinterred for the purposes of an exhumation of a dead body and the exhumation is ordered or authorised pursuant to the Act.

6.4 Exhumation

A person shall not disinter a coffin in a cemetery for exhumation of a dead body unless—

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

6.5 Opening a coffin

A person shall not open a coffin in a cemetery unless—

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

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 in the cemetery except within a memorial forest or with the approval of the Board.

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—

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

Division 2—Lawn Section**7.13 Specification of monuments**

(1) All monuments in the lawn section of a cemetery shall—

- (a) be made of natural stone or other durable material approved by the Board; and
- (b) be placed upon a base of natural stone; and
- (c) comply with the following specifications—
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.0m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 450mm;
 - (iii) the width of the base of the monument shall not exceed 940mm;
 - (iv) the depth of the base of the monument shall not exceed 355mm; and
- (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.

- (2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.
- (3) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

7.14 Headstones

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

Division 3—Memorial Plaque Section

7.15 Requirements of a memorial plaque

- (1) All memorial plaques placed in a memorial plaque section of the cemetery shall—
 - (a) be made of admiralty bronze or any other material approved by the Board; and
 - (b) not be less than the dimensions 178mm x 102mm, nor more than 330mm x 330mm; and
- (2) All memorial plaques made of admiralty bronze shall—
 - (a) not exceed 20mm in thickness; and
 - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall—
 - (a) not exceed 50mm in thickness placed upon a base mounting approved by the Board; or
 - (b) not be less than 100mm in thickness if it is not to be placed upon a base mounting.

Division 4—Licensing of Monumental Masons

7.16 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 subclause (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.

7.17 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.

7.18 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.

7.19 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.

7.20 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
- (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.

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 Assistance animal

Clause 8.1 shall not apply to an 'assistance animal', as defined in section 9(2) of the *Disability Discrimination Act 1992 (Cth)*.

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; or
- (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—

- (a) Without the prior written approval of the board.
- (b) The board may consider and grant approval 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 No benefits or gratuities

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

8.9 Entry

A person shall not enter or remain within a cemetery other than during the hours between sunrise and sunset except with the approval of the Board or an authorised person.

8.10 Fireworks or firearms

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

8.11 Recording on film or video

A person shall not, without the prior approval of the Board, record on film or video and any image or sound within a cemetery.

8.12 Camping

A person shall not camp in or upon a cemetery.

8.13 Lighting fires

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

8.14 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 Schedule 1 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 Schedule 1 is set out in the fourth column of Schedule 1.
 - (3) The prescribed form of the infringement notice referred to in Section 63(1) of the Act is set out in Schedule 2.
 - (4) The prescribed form of the notice withdrawing an infringement notice referred to in Section 63(3) of the Act is set out in Schedule 3.
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Schedule 1—Modified Penalties (cl. 9.2)**SHIRE OF ESPERANCE CEMETERIES LOCAL LAW**

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.4	Exceeding speed limit	\$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	7.5	Unauthorised use of sand, earth or materials taken from another part of the cemetery.	\$50.00
5	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
6	8.1	Unauthorised bringing of an Animal or permitting animal to remain in cemetery.	\$50.00
7	8.3	Damaging and removing objects.	\$50.00
8	8.5	Littering or vandalism	\$50.00
9	8.6	Unauthorised advertising, and/or trading	\$50.00
10	8.7	Disobeying sign or lawful direction	\$50.00

Schedule 2—Infringement Notice (cl. 9.2(3))**SHIRE OF ESPERANCE CEMETERIES LOCAL LAW**

To: _____ (Name)

_____ (Address)

It is alleged that at _____ : _____ hours on the _____ day of _____ 2022

at: _____

you committed the offence indicated below by an (x) in breach of clause of the Shire of Esperance Local Law—Cemeteries

(Authorised Person)

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 Esperance, Windich Street, Esperance WA 6450.

Please make cheques payable to Shire of Esperance.

Payments by mail should be addressed to:

The Chief Executive Officer
Shire of Esperance
PO Box 507
ESPERANCE WA 6450

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.

Schedule 3—Withdrawal of Infringement Notice (cl. 9.2(4))**SHIRE OF ESPERANCE CEMETERIES LOCAL LAW**

No. _____ Date: _____

To: _____ (1)

Infringement Notice Number: _____ 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 5th July of 2023.

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

IAN MICKEL, Shire President.
SHANE BURGE, Chief Executive Officer.

JUSTICE

JU401**JUSTICES OF THE PEACE ACT 2004****APPOINTMENTS**

It is hereby notified for public information that the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Hengameh Amiry of Mount Claremont

Monica De Los Angeles Archer of East Victoria Park

Kerrie Yvonne Boag of Como

Jeanna Helen Brady of North Perth

Utpaul Bikash Gope of City Beach

JOANNE STAMPALIA, Deputy Director General, Court and Tribunal Services.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005 APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Kalamunda

Local Planning Scheme No. 3—Amendment No. 110

Ref: TPS/2930

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Kalamunda Local Planning Scheme amendment on 23 June 2023 for the purpose of—

1. Amending Schedule 12 as follows—

(a) Period of Operation to read as follows—

15 years

(b) Priority and timing of infrastructure to read as follows—

The timing of the provision of infrastructure will be developer driven and subject to market demand for land. Infrastructure is generally to be provided within the 15 year operating period for the DCP.

M. THOMAS, President.
P. VARELIS, A/Chief Executive Officer.

PREMIER AND CABINET

PR401

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointments in the office of Minister for Finance; Commerce; Women's Interests in the absence of the Hon S. M. Ellery MLC—

- Hon S. N. Dawson MLC, for the period 1 to 4 July 2023 inclusive; and
- Hon R. Saffioti MLA, for the period 5 to 22 July 2023 inclusive; and
- Hon S. N. Dawson MLC, for the period 23 July 2023.

This notice supersedes acting arrangements relating to the above office that were published in *Government Gazette* No.57 of 16 May 2023.

E. ROPER, Director General, Department of the Premier and Cabinet.

TRANSPORT

TN401

ROAD TRAFFIC (AUTHORISATION TO DRIVE) REGULATIONS 2014 EXEMPTION FROM FEE FOR TAKING OR RESITTING THEORY TEST (RTADR-2023-206026)

Pursuant to regulation 76(2) of the *Road Traffic (Authorisation to Drive) Regulations 2014* (the Regulations), I, Peter Woronzow, Chief Executive Officer of the Department of Transport, hereby specify that the persons and bodies listed below are persons and bodies for the purpose of sub-regulation (1) of that regulation.

Regulation 76 provides that a person is not required to pay the fee set out in Schedule 9 items 1 and 2 of the Regulations, to take or resit a theory test if the person or body administering the test is specified in a notice published under sub-regulation (2).

Organisation Name	Address
Ashburton Aboriginal Corporation (ABN: 24634769846)	39 Boonderoo Road, Tom Price WA 6751
Marra Worra Worra Aboriginal Corporation (ABN: 97272775547)	Lot 158 Great Northern Highway, Fitzroy Crossing WA 6765

Organisation Name	Address
Bloodwood Tree Association Inc (ABN: 93975267470)	19 Hamilton Road, South Hedland WA 6722
Fortescue Metals Group Ltd (ABN: 57002594872)	Level 2, 87 Adelaide Terrace, East Perth WA 6004
Mowanjum Aboriginal Corporation (ABN: 38721336893)	1/Lot 85 Gibb River Road, Derby WA 6728
Ngarliyarndu Bindirri Aboriginal Corporation (ABN: 67026946941)	46 Roe Street, Roebourne WA 6718
South Metropolitan Youth Link Inc (ABN: 53843734425)	46 Mews Rd, Fremantle WA 6160
Wunan Foundation (ABN: 61577218799)	76 Coolibah Drive, Kununurra WA 6743

This Notice revokes and replaces the notice identified as RTADR–2022-205159, published in the *Government Gazette* on 22 May 2022.

Dated 26 June 2023.

PETER WORONZOW, Director General, Department of Transport.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Muriel Rhonda Whisson, late of 11 Graveney Way, Maddington, Western Australia, Carer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* (WA) relates) in respect of the estate of the deceased, who died on 26 May 2022, are required by the executor, Ashley Daniel Shields of c/- HFM Legal, PO Box 1 Maddington, WA 6989, to send particulars of their claims to him at HFM Legal of PO Box 1 Maddington, WA 6989, by the date being one month following the publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to claims of which he then has notice.

ZZ402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the Estate of Barbara Shelah Haven, late of 22 Surrey Road, Rivervale, in the State of Western Australia, deceased.

Creditors and other persons having claims to which Section 63 of the *Trustees Act 1962* relate in respect of the Estate of the deceased, who died on the 5th day of January 2018, are required by the Executors, Stewart Andrew Haven and Craig Steven Haven, to send the particulars of their claim to Messrs Taylor Smart of Unit 18, Level 2, 100 Railway Road, Subiaco in the State of Western Australia, by the 18th day of August 2023, after which date the said Executors may convey or distribute the assets, having regard only to the claims of which they then have had notice.

Dated the 5th day of July 2023.

PETER A. NEVIN, Taylor Smart.

ZZ403

TRUSTEES ACT 1962**DECEASED ESTATES****Notice to Creditors and Claimants**

George Alfred Dean late of 59 Culloton Crescent, Balga, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* WA relates) in respect of the estate of the above deceased, who died on 21 November 2014 are required by the administrator c/- M 6:8 Legal, Unit 3, 16 Hulme Court, Myaree, Western Australia 6154 to send particulars of their claims within **one (1) month** of the date of this notice after which date the administrator may distribute the assets, having regarded only to claims of which he then has notice.

ZZ404

TRUSTEES ACT 1962**DECEASED ESTATES****Notice to Creditors and Claimants**

Alton John Pitts late of 208 Marmion Street, Mount Barker, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 13 December 2021, are required by the trustee of the late Alton John Pitts of care of Philip Wyatt Lawyers, PO Box 1026, Albany, Western Australia 6331 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated this 6th day of July 2023.

PHILIP WYATT LAWYERS.

ZZ405

TRUSTEES ACT 1962**DECEASED ESTATES****Notice to Creditors and Claimants**

Pamela Coulbeck, late of Leighton Nursing Home, 40 Florence Street, West Perth, Western Australia, Kitchen Hand, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased who died on 7 March 2022 are required by the executor Mandy Turton of care of Birman & Ride, Level 3, 16 Irwin Street, Perth WA 6000 to send particulars of their claims to her by the date being one month from the date of publication of this notice after which date the executor may convey or distribute the assets having regard only to the claims of which she then has notice.

ZZ406

TRUSTEES ACT 1962**DECEASED ESTATES****Notice to Creditors and Claimants**

Estate of the late Frances Helene Macintyre Limb, late of SwanCare Tandara, 73 Jarrah Road, Bentley in the State of Western Australia, Retired Typist, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on the 17th day of March 2023 at SwanCare Tandara, 73 Jarrah Road, Bentley WA 6102, are required by the Executor and Trustee, being Mr Steven Leigh Pynt care of MP Commercial Lawyers Unit 1, 8 Pakenham Street, Fremantle WA 6160, to send particulars of their claims to him at Unit 1, 8 Pakenham Street, Fremantle WA 6160, by the date being one month following the publication of this notice, after which date the Executor and Trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.