

Cemeteries Act 1986
Local Government Act 1995

Shire of Gingin

Cemeteries Amendment Local Law 2015

Under the powers conferred by the *Cemeteries Act 1986*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on 16 June 2015 to make this local law.

1. Title

This local law may be cited as the *Shire of Gingin Cemeteries Amendment Local Law 2015*.

2. Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

3. Principal local law

In this local law, the *Shire of Gingin Cemeteries Local Law 2004* published in the *Government Gazette* on 13 September 2004 and as amended on 5 September 2006 is referred to as the principal local law.

The principal local law is amended as follows -

4. Title clause amended

On page 1 of the principal local law, insert "*Local Government Act 1995*" below "*Cemeteries Act 1986*" at the top of the page.

5. Clause 1.2 amended

In clause 1.2 -

(a) Insert the following new definitions in alphabetical order:

"Act" means the *Cemeteries Act 1986*;

"Coffin" means a coffin or other receptacle used for the transportation of a dead body to the grave site; and

"Grant of Right of Burial" means permission given by the Board for the right to use a specified area of a cemetery for burial; and

(b) Reposition the definition for "**Board**" in alphabetical order following the definition of "**authorised officer**".

6. Clause 3.4 amended

In clause 3.4, delete "twenty four hours" and insert "three business days".

7. Clause 5.3 amended

In clause 5.3, delete subclause 5.3(2) and insert -

- (2) This clause shall not apply to vehicles or other motorised devices necessary to assist persons with limited mobility, or to any other vehicle approved by the CEO.

8. Clause 5.4 amended

In clause 5.4, delete “25km” and insert “10km”.

9. Clause 6.1 amended

After clause 6.1(2), insert -

- (3) Burial of more than one coffin in each plot will not be permitted.

10. Clause 7.8 amended

In clause 7.8 -

- (a) number the first passage as subclause (1); and
- (b) insert a new subclause (2) as follows:
 - (2) The holder of the Grant of Right of Burial is responsible for maintaining any wooden structures erected in accordance with subclause (1), to the satisfaction of the CEO.

11. Clause 8.1 amended

Delete clause 8.1 and insert -

8.1 Animals, assistance animals and guide dogs

- (1) 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.
- (2) Subclause 91) is subject to any written laws and law of the Commonwealth regarding assistance animals as defined under the *Disability Discrimination Act 1992* (Cth) section 9(2).

12. Clause 8.2 deleted

Delete clause 8.2.

13. Clause 9.2 amended

(1) Delete subclause 9.2(3) and insert -

- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is the form as decided by the Board from time to time.

(2) Delete subclause 9.2(4) and insert -

(4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is the form as decided by the Board from time to time.

14. First Schedule amended

In the First Schedule -

(a) delete items 3, 5, 6 and 7 and renumber remaining items accordingly; and

(b) after item 4, insert:

Item No.	Clause	Nature of Offence	Modified Penalty
5		All other offences not specified	\$50.00

15. Second Schedule deleted

Delete the Second Schedule.

16. Third Schedule deleted

Delete the Third Schedule.

Dated this Sixth day of July 2015

The Common Seal of the Shire of Gingin)
was affixed by authority)
of a resolution of the Council in the)
presence of:)

M ASPINALL
Shire President

J EDWARDS
Chief Executive Officer