

Shire of Manjimup

Cemetery Local Law

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CEMETERIES ACT 1986

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Manjimup

By-laws Relating to Cemeteries

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Board of the Balbarrup (old), Balbarrup, Manjimup, Northcliffe, Pemberton, Walpole and Manjimup Memorial Gardens Cemeteries hereby records having resolved on 8th February 1990 to make and submit for the confirmation by the Governor, the following by-laws.

1. From the date of coming into operation of these by-laws previous by-laws relating to the Balbarrup (old), Balbarrup, Manjimup, Northcliffe, Pemberton and Walpole Cemeteries are hereby repealed.
 2. These by-laws shall apply to Balbarrup Cemetery (old)—Reserve No. 864, Balbarrup Cemetery—Reserve No. 10572, Manjimup Cemetery—Reserve No. 17469, Northcliffe Cemetery—Reserve No. 18677, Pemberton Cemetery—Reserve No. 16397, Walpole Cemetery—Reserve No. 21093 and Manjimup Memorial Garden Cemetery—Reserve No. 39600.
 3. (i) The "Secretary" as referred to in these By-laws, means the person for the time being employed by the Trustees as the Secretary of the Cemetery, and such person shall, subject to the Trustees, exercise a general supervision and control over all matters pertaining to the Cemetery, and to the carrying out and enforcement of these By-laws and the direction of such person shall in all cases and for all purposes be presumed to be and have been the direction of the Trustees.
(ii) The "Board" as referred to in these By-laws means the Council of the Shire of Manjimup.
 4. The Board may engage other Officers and servants where their employment is necessary or expedient for carrying out the provisions of the Cemeteries Act, or these By-laws.
 5. No person employed by or under the Board shall be permitted to accept any gratuity whatever, nor shall he be pecuniarily interested in any work in the Cemetery other than the remuneration he receives from the Board.
 6. A plan of the Cemetery showing the sections, situation and number of every grave, and a register of all certificates of Rights of Burial shall be kept at the office of the Board. Notwithstanding the above, there shall not be any segregation or area into or allotment of sections for Religious Affiliations.
 - a. The Manjimup Memorial Gardens Cemetery shall consist of two sections:—
 - i. The headstone lawn section refer By-law 25.
 - ii. The traditional section
 7. Unless otherwise ordered the entrance to the Cemetery shall remain open daily between the hours of 8.00 a.m. and 5.00 p.m.
 8. The hours of burial shall be:

9.30 a.m. to 4.30 p.m.	(Monday to Friday)
9.30 a.m. to 12 noon	(Saturday)
- No burial shall be allowed to take place nor any coffin allowed to enter the Cemetery at any other hour except by written permission of the Board notwithstanding By-law 9. No burial shall take place on Christmas Day or Good Friday.
9. Any person desiring to inter a dead body on Sunday or Public Holidays shall, in addition to paying an extra fee, produce a Certificate in writing by a Medical Officer of Health or by a Police Officer, Resident or Stipendiary Magistrate, or by two justices of the Peace, that for sanitary or special religious reasons, it is necessary and advisable that the burial take place on that day.
 10. (a) Any person who wishes to inter a dead body or cremated ashes in the Cemetery shall make an application as contained in Schedule "A" and shall pay to the Board in advance the appropriate fees as determined by resolution of Council from time to time in accordance with Section 53 of the Cemeteries Act.
(b) The application referred to in paragraph (a) of this By-law shall be lodged at the Office of the Trustees in sufficient time to allow at least eight (8) working hours' notice being given to the Secretary at the office prior to the time fixed for burial, otherwise an extra charge shall be payable in accordance with the fees as determined by resolution of Council from time to time in accordance with Section 53 of the Cemeteries Act.
 11. The Board shall cause all graves to be dug and graves to be reopened as and when lawfully required.
 12. Every grave shall be at least 2.1 metres deep at the first interment and no interment shall be permitted in any grave with a depth of less than 0.9 metres from the top of the coffin to the natural surface of the surrounding ground.
 13. Prior to conducting any interment within the Cemetery or making use of the Cemetery for any purpose connected with interments, every undertaker shall pay to the Board an annual fee as determined by resolution of Council from time to time in accordance with Section 53 of the Cemeteries Act and shall at the time of making such payment give his assent in writing to such conditions as the Board may deem fit to impose. Upon such consent being given and the payment of the fee made, he shall receive a "Permit" to hold good during good

behaviour until the first day of July following and unless in the possession of such Permit no undertaker shall be allowed to engage in or carry out any duty or work within the Cemetery.

14. The undertaker responsible for the burial shall:

- (a) cause the cortege to arrive at the Cemetery gates punctually at the time fixed for burial. Failure to comply incurs a penalty of \$20.00.
- (b) cause the cortege to proceed from the gates to the graveside not later than fifteen (15) minutes after the time fixed for the burial. Failure to comply incurs a penalty of \$20.00.
- (c) cause the hearse and mourning coaches to enter the Cemetery through the principal entrance and no other entrance.

15. (i) A person shall not—

- (a) cause a vehicle other than a hearse, mourning coach, to enter the Cemetery or stand a vehicle outside the entrance gates in a position obstructing the entrance;
- (b) drive a mechanically propelled vehicle within the Cemetery at a speed in excess of 15 kilometres per hour;
- (c) drive a mechanically propelled vehicle within the Cemetery along any road other than a road approved for the time being for such traffic by the Secretary;
- (d) ride any bicycle within the Cemetery.

The provisions of this By-law do not apply to a physically impaired person using a wheelchair.

(ii) A person failing to comply with the provisions of this By-law may be expelled from the Cemetery.

16. (i) Subject to paragraph (ii) of this By-law, a person shall not bring a dead person into the Cemetery unless he or his representative has first handed to the Secretary, a Certificate from a District Registrar of Deaths that the death has been registered or a Coroner's order for burial in respect of the body.

(ii) Where an Undertaker or his representative for a valid reason is unable to produce a Certificate or Coroner's order as required by paragraph (i) of this By-law and he has given to the Secretary a written guarantee to produce the Certificate or order within three (3) days, he may bring the dead body into the Cemetery.

(iii) A burial shall not be permitted in the Cemetery unless the provisions of one of the foregoing paragraphs of this By-law have been complied with.

(iv) Where an Undertaker or his representative has given a written guarantee as required in paragraph (ii) of this By-law and has failed to produce the Certificate or order within three (3) days, the Undertaker's licence may be suspended until the Certificate or order is produced.

The Certificate may be retained but the Coroner's Order shall be returned to the person delivering same.

17. A person who interrs a body in the Cemetery shall affix to the lid of the coffin, an approved metal plate bearing the name of the deceased stamped or otherwise indelibly inscribed thereon in legible characters. A coffin not complying with this By-law shall not be admitted to or be interred in the Cemetery.

18. Before any interment is allowed, the "Order for Burial" shall be handed to and retained by the Secretary.

19. A person wishing to secure a "Grant of Right of Burial" in the Cemetery shall make application to the Board and shall pay the appropriate fees as determined by resolution of the Board from time to time in accordance with Section 53 of the Cemeteries Act.

20. A person making application for interment of a body in a grave to which the deceased had no claim during life shall submit to the Board the written and verified consent of the grantee to be handed in with the application.

21. Where a "Grant of Right of Burial" has been lost, or for any other reason cannot be produced, a person who wishes to make an interment in the grave shall lodge together with the application referred to in By-law 10, a sworn declaration detailing loss of grant and shall pay the fee as determined by resolution of the Board from time to time in accordance with Section 53 of the Cemeteries Act for a copy of the grant.

22. A person who applies for the exhumation of a body shall produce to the Board the necessary warrant or order by law required, authorising the Trustees to permit the exhumation.

23. If for the purpose of re-opening a grave the Board find it necessary to remove any monument etc., from the grave, the person requesting the re-opening shall pay to the Board the appropriate charges as determined by resolution of the Board from time to time in accordance with Section 53 of the Cemeteries Act.
24. A person shall not place or erect or alter or add to a monument in any part of the Cemetery unless he has first submitted plans to the Board and secured their approval and consent and otherwise complied with Section 23 of the Cemeteries Act, 1986.
25. (i) Monuments in the Manjimup Memorial Gardens Headstone Lawn Section:
- (a) shall be placed at the direction of the Board and each monument will be so sited to ensure uniformity of siting;
 - (b) shall be placed on the reinforced concrete slab provided.
 - (c) shall include a granite foundation of the following dimensions:
Length—1.1 metres; width—0.3 metres; height—150 millimetres
 - (d) shall be constructed of bronze or granite or plate or marble;
 - (e) shall not exceed 1.1 metres in height, measured vertically from ground level, 1 metre in width and 200 millimetres in thickness at the top;
 - (f) shall bear in the top right hand corner of the granite foundation the number of the grave that it marks in figures 25 millimetres in height and sand-blasted on a polished face or chiselled into a rough face;
 - (g) kerbing shall not be permitted around graves in the Manjimup Memorial Gardens Cemetery headstone lawn section.
26. Grave enclosures in all cemeteries excluding the Manjimup Memorial Gardens Cemetery headstone lawn section shall not be less than nor more than the actual area of the grave.
27. No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave or vault.
28. Every tombstone Monument or enclosure shall be placed on foundations which are to the satisfaction of the Board or its officers and if required by the Board shall extend to a depth of 1.5 metres.
29. A person erecting a monument shall leave the locality of the work in a clean and tidy state.
30. A person carrying out work in the Cemetery shall so far as possible, prepare the material required in the erection and completion of the work before it is taken to the Cemetery.
31. A person shall not take materials into the Cemetery except through such entrances as the Secretary directs and shall not convey any materials on a vehicle having wheels of less than 100 millimetres in width, except where the vehicle is a wheelbarrow or trolley or where the person otherwise has the permission of the Secretary.
32. Any person taking part in erecting any monument or attending to any grave shall comply with the following rules—
- (a) No rubbish, soil, sand or other material removed in attending to a grave shall be placed on any other grave, and if placed on any adjoining ground shall be removed immediately the work is completed.
 - (b) No sand, soil, loam or other material shall be taken from any portion of the Cemetery for use in the erection of any monument or other work except with the permission of the Secretary.
 - (c) The erection of any monument or other work and the wheeling and carting of any material shall be subject to the supervision of the Secretary.
33. A monumental mason or other tradesman/workman shall not carry out any work within the Cemetery except within the hours specified for the opening and closing of the gates on weekdays and before noon on Saturdays.
34. A person shall not carry out any work in the Cemetery between noon on Saturday and the opening of the gates on Monday morning without the written permission of the Board.
35. A monumental mason or other person working in the Cemetery who at noon on a Saturday is leaving any piece of work uncompleted, shall leave the work in a neat and safe condition to the satisfaction of the Secretary.

36. A monumental mason or other tradesman shall not commence any work within the Cemetery unless he has deposited with the Secretary the sum of \$10.00 which shall be held in Trust and shall be forfeited if he fails to comply with the provisions of any one of the preceding By-laws 25, 26, 27, 28, 29 and 35.
37. All workmen, 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 Secretary and shall obey such lawful directions as that Officer may find it necessary to give. Any workmen, permitting any breach of the By-laws, or refusing or neglecting to comply with any directions of the said Secretary shall be removed from the Cemetery.
38. The applicant for an "Order for Burial" in the Manjimup Memorial Gardens Cemetery shall, within three (3) months of the date of application, cause to be placed on the grave a headstone complying with the requirements of By-law 25 or a metal plaque bearing only the number of the grave in raised letters. This metal plaque shall be the only permissible method of marking a grave other than that specified in By-law 25.
39. A child under the age of ten (10) years shall not enter the Cemetery unless he is in the care of some adult person.
40. Smoking shall not be allowed within the Cemetery, nor shall any fireworks be discharged therein.
41. No person shall remove any plant, tree, shrub, flower (other than withered flowers) or any article from any grave without first obtaining a permit from the Trustees. A person removing withered flowers from graves shall place them in two receptacles provided for this purpose by the Board.
42. No person shall pluck any tree, plant, shrub or flower growing in any portion of the Cemetery.
43. No person shall remove or carry away or attempt to carry out of the Cemetery any tree, plant, shrub, flower, earth or other material without the written authority of the Board.
44. Any person violating the rules of propriety and decorum or committing any nuisance or trespass, behaving in an offensive or unruly manner or injuring any tree, shrub, flower border, grave or any erection, or in any way infringing these By-laws shall be expelled from the Cemetery.
45. No person shall promote or advertise or carry on within the Cemetery any trade business or calling, either by solicitation, distribution of circulars or cards, or otherwise, or by any system of advertising whatsoever without the written consent of the Board. Any person infringing this By-law may be expelled from the Cemetery.
46. A person shall not plant any shrubs, grass or flowers on any grave except with the consent of the Secretary.
47. A person may with the permission of the grantee of the "Right of Burial" of a plot, decorate the grave with natural flowers set in orthodox vases. The decorations shall be confined to the space occupied by the tombstone and foundations. No glass domes wreaths or enclosed cloches shall be permitted.
48. The Trustees shall maintain the lawn plots planted with grass.
49. The Board may grant to the Defence Department of the Commonwealth without fee, a permit to erect monuments on the graves of deceased members of the Armed Forces.
50. The Trustees may grant plots in the Cemetery free of charge if it is proved to the satisfaction of the Trustees—
- (a) that the deceased was a returned Serviceman or Servicewoman who died as a result of injuries received at war; and
 - (b) that the relatives of the deceased are in necessitous circumstances.
51. Any person who contravenes any provision of these By-laws commits an offence and shall for every offence be liable to a penalty not exceeding \$20.00 and in the case of a continuing breach a further sum not exceeding \$2.00 for every day during which the breach continues. A person committing a breach of any By-law shall be forthwith removed from the Cemetery by the Board, the Secretary or other Officer of the Trustees or by a member of the Police Force and if he resists removal or returns to the Cemetery within twenty-four (24) hours without the consent of the Secretary, he shall be treated as a trespasser and may be proceeded against accordingly.

SCHEDULE "A"

Balbarrup (old), Balbarrup, Manjimup, Northcliffe, Pemberton, Walpole and Manjimup Memorial Gardens Cemeteries

FORM OF INSTRUCTION FOR GRAVES AND APPLICATION FOR ORDER OF BURIAL

Answers to the following questions to be supplied at the time of making application:

- Date
1. Name of deceased
2. Age of deceased
3. Date of Death
4. Last residence of deceased
5. Place where death occurred
6. Date and hour of burial
7. Birthplace of deceased
8. Supposed cause of death
9. What religious affiliation
10. Number of grave
11. Name of Minister or Person Officiating at the Grave
12. Size of grave
13. Name of Undertaker
14. Depth of grave
Signature of person making application
Application received this day of at o'clock.....m.

Shire Clerk

Dated this 26th day of October 1990.

The Common Seal of the Shire of Manjimup was hereunto affixed in the presence of:

M. E. DAUBNEY, Shire President.
M.D. RIGOLL, Shire Clerk.

Recommended—

G. L. HILL, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of December 1990.

D. G. BLIGHT, Clerk of the Council.