



**GERALDTON CEMETERY BOARD  
BY-LAW 2021**

# Geraldton Cemetery Board By-Law 2021

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## **CEMETERIES ACT 1986**

### ***Geraldton Cemetery Board By – Law 2021***

Under the powers conferred by the *Cemeteries Act 1986* and all other powers enabling it, Geraldton Cemetery Board resolved on 12<sup>th</sup> May 2021 to make the following By-Law:

#### **PART 1 - PRELIMINARY**

##### **1.1 Citation**

This By-Law may be cited as the *Geraldton Cemetery Board By - Law 2021*.

##### **1.2 Repeal**

The *Geraldton Cemetery Board By-Law 2001* as published in the *Government Gazette* on 24 August 2001 is repealed.

##### **1.3 Interpretation**

In this By-Law unless the context otherwise requires –

*Act* means the *Cemeteries Act 1986*;

*Administrator* means the administrator for the time being of the Board;

*animal* means a live vertebrate, other than a human or a fish;

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

*assistance animal* has the same meaning in the *Disability Discrimination Act 1992 (Cth)*;

*authorised officer* means an employee of the Board appointed by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this By-Law.

*Board* means the Geraldton Cemetery Board

*burial* has the same meaning given to it in the Act;

*cemetery* means any one or any part of any public cemetery, which the Governor by order, has placed under the care, control and management of the Board.

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

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

*dead body* has the same meaning given to it in the Act;

*funeral* has the meaning given to it in the Act;

*funeral director* means a person holding a current funeral directors licence issued by the Board under section 17 of the Act;

*funeral director's licence* means a licence issued by the Board in accordance with clause 4.2, which entitles the holder to conduct funerals at the cemetery;

*grant* means a grant issued by the Board, of an exclusive right of burial in a grave;

**grave** means a specified area of the cemetery for burial;

**holder** in relation to a grant includes-

- (a) a person issued with a grant by the Board; or
- (b) a person from the time being appearing to the Board to be the holder of a grant;

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

**memorial** has the meaning given to it in the Act;

**Minister** means the Minister charged with responsibility for administration of the Act;

**monument** includes a tombstone, vault, enclosure or other approved form of memorial;

**monumental mason licence** means a licence issued under clause 7.18(1);

**monumental work** includes the erection, alteration or removal of or other working upon a monument on a grave;

**personal representative** means-

- (a) the administrator or executor of an estate of a deceased person;
- (b) the person who, by law of practice, has the right to apply for administration of the estate of the deceased person; or
- (c) a person having the lawful custody of a dead body;

**Schedule** means a schedule to this By-Law;

**set fee** refers to the 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 compartments constructed to specifications approved from time to time by the Board; and

**vehicle** has the same meaning as given to that word in the *Road Traffic (Amendment) Act 2008* as amended from time to time, and includes trail bikes, beach buggies and other recreational vehicles licenced and unlicensed, but excludes a wheelchair being used by a physically impaired person.

## **PART 2 – ADMINISTRATION**

### **2.1 Powers and functions of administrator**

The Administrator appointed by the Board shall, at its direction, exercise general supervision and control over all matters concerning the administration of the Cemetery and the carrying out and enforcement of this By-Law and unless the Board otherwise resolves, all directions of the Administrator shall be deemed to have been given by order of the Board.

## **PART 3 - APPLICATION FOR FUNERALS**

### **3.1 Grant of right of burial**

The Board may issue to a person a grant of right of burial, for the term specified in the Act from time to time, upon-

- (a) written application by that person; and
- (b) payment of a set fee.

### **3.2 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.

### **3.3 Application for cremation**

A person who desires to hold a funeral within the cemetery shall, in the case of the cremation of a dead body:

- (a) make an application to the Board in the form determined by the Board from time to time;
- (b) lodge with the application referred to in paragraph (a), a permit to cremate issued in accordance with the *Cremation Act 1929*; and
- (c) make payment of the set fee.

### **3.4 Applications to be accompanied by certificates and order of burial**

All applications referred to in clauses 3.1, 3.2 and 3.3 shall be accompanied by either:

- (a) a medical certificate of death or a Coroner's order of burial; and
- (b) a certificate issued under clause 3.5, in respect of the body.

### **3.5 Certificate of identification**

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, or crematorium within 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.

### **3.6 Minimum notice required**

Subject to Religious or cultural requirements all bookings to hold a funeral shall be made with the Board at least two (2) working days prior to the time proposed for burial on the application, otherwise an extra charge may be made.

### **3.7 Fixing times for a funeral**

The time fixed for a funeral is at the discretion of the Board but, subject to this By - Law will be as near as possible to the time requested by the applicant.

### **3.8 Receipt of the application for a funeral**

Where an application is received by the Board in accordance with clause 3.2 or 3.3, then subject to any other provision of this By-Law, the Board shall:

- (a) fix a time for the funeral; and
- (b) prepare any grave that is required or reserve the venue for a cremation service as the case may be.

### **3.9 Times for burials**

A person shall not carry out a burial:

- (a) on a declared Public Holiday; and
- (b) at any time other than during the following days and hours:

Monday to Friday	8.00am to 4.00pm
Saturday	9.00am to 1.00pm

except with the written permission of the Board.

### **3.10 Times for cremations**

A person shall not carry out a cremation:

- (a) on a declared Public Holiday; and
- (b) at any time other than during the following days and hours:

Monday to Friday	8.00am to 4.00pm
Saturday	9.00am to 1.00pm

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 the cemetery or otherwise make use of the cemetery 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 receipt of an application in writing in the form determined by the Board from time to time 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 By-Law.
- (2) If the application referred to in the subclause (1) is approved by the Board, the Board shall issue to the applicant a licence in the form determined by the Board from time to time.
- (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 upon payment of the set fee.

### **4.3 Funeral director's licence expiry**

A funeral director's licence shall expire on the 30<sup>th</sup> June in each year.

### **4.4 Cancellation of a funeral director's licence**

- (1) The Board may, by notice in writing to a holder of a funeral director's licence, cancel or suspend a licence if-
  - (a) the holder of the licence or any employee of the holder has committed a breach of this By-Law, the Act or any of the conditions upon which the licence was issued; or
  - (b) the holder of the funeral director's licence has purported to transfer the licence issued to that holder.
- (2) Upon the cancellation of the licence pursuant to subclause (1), no part of any fee paid for the issue of that licence is refundable by the Board.

### **4.5 Application for a single funeral permit**

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.

#### **4.6 Application may be refused**

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 or cremation of that dead body in accordance with Part 3 of this By-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 metal 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 or cremation 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 clauses 3.1, 3.2 or 3.3 shall pay the set fee for being late.

#### **5.3 Vehicle entry restricted**

- (1) Subject to clauses 5.3(2) and 5.3(3), 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.
- (3) Clause 5.3(1) shall not apply to the vehicles of persons attending the Cemetery on Cemetery related business.

#### **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 limit indicated by signs.

#### **5.5 Conduct of funeral by board**

When conducting a funeral under section 22 of the Act, the Board shall:

- (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) bury or cremate that dead body but may cremate the dead body only when a permit to cremate has been obtained for that body under the Cremation Act 1929;
- (e) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this By-Law; and
- (g) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

## **Division 2 - Cremation**

### **5.6 Metal and cardboard coffins prohibited and cane coffins accepted**

- (1) Metal, metal lined and cardboard coffins shall not be accepted by the Board for cremation at the cemetery.
- (2) Cane coffins shall be accepted.

### **5.7 Polyvinyls, etc, prohibited**

The use of polyvinyl or its derivative, polyurethane, aerosol cans, other sealed containers, glass and/or other materials determined from time to time to be not appropriate to the cremation process by the Board, in or upon coffins presented for cremation at the cemetery is prohibited.

### **5.8 Depositing the coffin**

- (1) The funeral director shall deposit the coffin for cremation upon the catafalque in the Crematorium chapel or at such other position within the cemetery as may be determined from time to time by the Board.
- (2) Once the coffin has been deposited for cremation in accordance with subclause (1), all further services will be rendered by and be under the sole control of the Board.

### **5.9 Removal of the name plate and metal strip**

The Board shall remove the name plate and metal strip from the coffin prior to cremation at the cemetery and the metal strip shall be placed in the container with the ashes.

### **5.10 Removal of metal fittings**

The Board may remove any metal or other fittings on coffins presented for cremation at the cemetery which in the opinion of the Board could impede the cremation or cause damage to the cremation equipment.

### **Division 3 - Placement of ashes**

#### **5.11 Disposal of ashes**

- (1) The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.3 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 in one of the following locations:

Niche Wall  
Memorial Wall  
Garden of Remembrance  
Garden of Dreams  
Don Golding Garden  
Ground Niche  
Memorial Rose, Tree or Shrub  
Family Shrub  
Memorial Desk  
Granite Seat  
Family Grave  
Book of Remembrance  
Scattering to the Winds  
Memorial Gardens  
Other memorials approved by 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 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.

#### **5.12 Availability of ashes**

Subject to compliance with clause 5.12 and upon the payment of the set fee, the ashes of a deceased person that have not been placed within the cemetery will be made available to the personal representative of the deceased person during the normal office hours of the Board after the expiration of two (2) working days from the completion of the cremation at the cemetery.

#### **5.13 Ashes held by the board**

- (1) If at the expiration of six (6) months from the date of cremation at a cemetery:

- (a) the ashes of the deceased person have not been claimed; or
  - (b) no arrangements have been made for the placement of the ashes of a deceased person by the personal representative, then the Board may dispose of the ashes in the cemetery and in any of the locations listed in clause 5.12.
- (2) If prior to the expiration of six (6) months from the date of cremation the personal representative of the deceased person requests the Board to store the ashes of the deceased person, and pays to the Board the set fee monthly in advance for such storage, the Board shall store the ashes in safe custody.
- (3) Notwithstanding subclause (2), should the personal representative default in the payment of the fee referred to in subclause (2), the Board may dispose of the ashes in the cemetery by any of the methods listed in clause 5.12.

## **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 permission.

### **6.2 Mausoleum, vault etc**

- (1) A person shall not construct a mausoleum or vault within the Cemetery, unless in accordance with specifications approved from time to time by the Board.
- (2) A person may offer to the Board to construct a mausoleum or vault within the Cemetery, which vault or mausoleum shall at all times remain the property of the Board.
- (3) An application under subclause (2) shall be in writing and shall be accompanied plans and specifications satisfactory to the Board and by payment of the set fee.
- (4) A person shall not place a dead body in a mausoleum except:-
- (a) in a closed coffin;
  - (b) in a soundly constructed chamber; and
  - (c) in accordance with subclause (5).
- (5) The number of burials in a chamber must not exceed the number for which the chamber was designed.

### **6.3 Re-opening a grave**

If for the purpose of re-opening a grave in a Cemetery the Board finds it necessary to remove a monument, edging, tiles, plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary re-instatement.

#### **6.4 Exhumation of a coffin**

- (1) Subject to subclause (2), a person shall not exhume a coffin in the cemetery for the purposes of reburial within twelve (12) months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.
- (3) Subject to subclause (1) and (2) and prior to any other exhumation, the holder of a grant must have applied in writing to the Board requesting the exhumation and the Board must have authorised the exhumation.
- (4) Any exhumation shall be carried out by a funeral director.

#### **6.5 Opening a coffin**

- (1) A person shall not open a coffin in a cemetery unless:
  - (a) the coffin is opened for the purposes of the exhumation of a dead body;
  - (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; or
  - (c) The Board has approved the opening of the coffin by that person as part of a religious ceremony.
- (2) Any opening of a coffin shall be carried out by a funeral director.

## **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 a concrete foundation.

#### **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 memorial works.

#### **7.4 Operation of work**

- (1) Subject to clause 7.6 an application under section 30 of the Act shall in addition to the matters set out in the same specify the estimated times for commencement and completion of the proposed works which shall be no earlier than one (1) working day after the date of approval of the application.
- (2) 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 Administrator 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 6:00pm 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 Administrator 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 Administrator or an authorised officer.

**7.10 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.

**7.11 Inappropriate or unbecoming items**

A person shall not place offensive memorabilia or materials on a grave and any such items or items will be removed and returned to the holder of the right of burial upon the expiry of thirty (30) days' notice in writing to the holder requiring removal of such item or items.

#### **7.12 Minor maintenance and repair works**

Persons shall be permitted to carry out minor maintenance and repair works not of a structural nature such as cleaning, touch up painting and the like on graves without seeking the approval of the Board, but persons are required to advise the Administrator or authorised person of their intentions in that behalf.

#### **7.13 Australian war graves**

Notwithstanding anything in this By-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.

#### **7.14 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 Administrator or an authorised officer and shall obey such directions as the Administrator or an authorised officer may give.

### **Division 2 - Lawn section**

#### **7.15 Specification of monuments**

- (1) All monuments in the lawn section of a cemetery shall:
  - (a) be made of natural stone; 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 1.05m;
    - (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 1.20m;
    - (iv) the depth of the base of the monument shall not exceed 300mm; and
  - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are constructed.
- (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.

#### **7.16 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**

#### **7.17 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) be of the dimensions approved by the Board for the area in which the memorial plaque is to be placed.
- (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**

#### **7.18 Monumental mason's licence**

- (1) The Board may upon receipt of an application in writing by a person possessing appropriate qualifications 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 By-Law and such conditions as the Board shall specify upon the issue of that licence.

#### **7.19 Expiry date, non-transferability**

A monumental mason's licence:

- (a) shall, subject to clause 7.22, be valid from the date specified therein until the 30th day of June next following; and
- (b) is not transferable.

#### **7.20 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 7.18 or does so as the employee of a person who holds such a licence;  
or
- (b) is authorised by the Board to do so.

#### **7.21 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 By-Law, the Act and any other written law which may affect the carrying out of monumental works.

#### **7.22 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 the ground that the holder of the licence has committed a breach of the requirements and conditions of the licence, this By-Law, the Act or any other written law which may affect the carrying out of monumental works.
- (2) Upon the termination of a monumental mason's license under this clause no part of any fee paid for the issue of that license is refundable by the Board

### **PART 8 - GENERAL**

#### **8.1 Animals**

A person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than an assistance animal or with the approval of the Administrator or an authorised officer.

#### **8.2 Damaging and removing of objects**

Subject to clause 8.3, 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.

#### **8.3 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.

#### **8.4 Vandalism and littering**

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.

#### **8.5 Trading and 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.

#### **8.6 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 Administrator or an authorised officer.

### **8.7 Removal from the cemetery**

- (1) Any person failing to comply with any provisions of this By-Law or behaving in a manner that in the opinion of the Board, the Administrator or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this By-Law be ordered to leave the cemetery by the Board, the Administrator or an authorised officer.
- (2) A person who fails to comply with an order given under subclause (1) commits an offence.

## **PART 9 - OFFENCES AND MODIFIED PENALTIES**

### **9.1 General**

A person who commits a breach of any provisions of this By-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 and infringement notices**

- (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.

**Schedule 1 – Modified penalties**

**(Cls. 9.2(1) and 9.2(2))**

*Cemeteries Act, 1986*

***Geraldton Cemetery Board By-Law 2021***

**Modified Penalties**

<b>Item No.</b>	<b>Clause</b>	<b>Nature of Offence</b>	<b>Modified Penalty</b>
1	5.4	Not driving on a constructed roadway and / or excessive speed	\$50.00
2	7.3	Not removing rubbish and surplus materials	\$50.00
3	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
4	8.1	Unauthorised animal in cemetery	\$50.00
5	8.4	Vandalism and/or littering	\$50.00
6	8.5	Unauthorised trading and/or advertising	\$50.00
7	8.6	Disobeying sign or lawful direction	\$50.00
8	8.7	Failing to comply with order to leave cemetery	\$50.00
9	9.1	All other offences not specified	\$50.00

**Schedule 2 – Infringement notice**  
**(Cl. 9.2(3))**  
*Cemeteries Act, 1986*  
*Geraldton Cemetery Board By-Law 2021*  
Form 1  
Infringement Notice

TO: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

It is alleged that at \_\_\_\_\_:\_\_\_\_\_ hours on \_\_\_\_\_ day  
of \_\_\_\_\_ 20 \_\_\_\_\_ at \_\_\_\_\_

you committed the offence indicated below by an (x) in breach of clause ..... of the  
Geraldton Cemetery Board By-Law 2021

\_\_\_\_\_  
(Authorised Officer)

Offence

- Not driving on a constructed roadway and / or excessive speed
- Not removing rubbish or surplus materials
- Leaving uncompleted works in an untidy or unsafe condition
- Unauthorised animals within cemetery grounds
- Vandalism and/or littering
- Unauthorised trading and/or advertising
- Disobeying sign or lawful direction
- Failing to comply with order to leave cemetery

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 Administrator of the Geraldton Cemetery Board at 130 Eastward Road, Utakarra, WA, 6530.

Please make cheques payable to Geraldton Cemetery Board. Payments by mail should be addressed to:

The Administrator  
Geraldton Cemetery Board  
130 Eastward Road  
UTAKARRA, WA, 6530

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))**

*Cemeteries Act, 1986*  
*Geraldton Cemetery Board By-Law 2021*  
Form 2  
Withdrawal of Infringement Notice

No. \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

To (1) \_\_\_\_\_

Infringement Notice No \_\_\_\_\_ 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 Officer)

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