

Department of LOCAL GOVERNMENT,
HOUSING AND COMMUNITY DEVELOPMENT

Creating a new Burial and Cremation Bill

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Creating a new Burial and Cremation Bill

Part I

- Cemeteries legislation in the Territory

Part II

- Policy development & the consultation process

Part III

- Drafting & introducing the Bill

Part IV

- What does the new Act mean for the future?



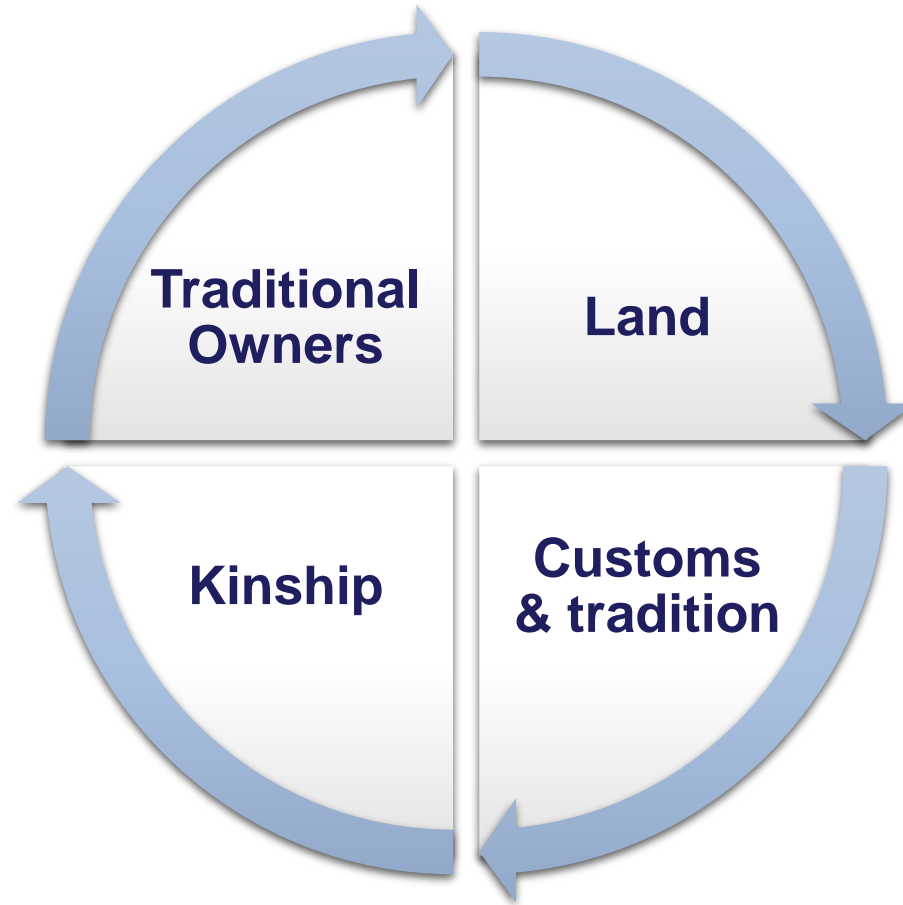
Cemeteries legislation in the Territory

Unique aspects of the Territory

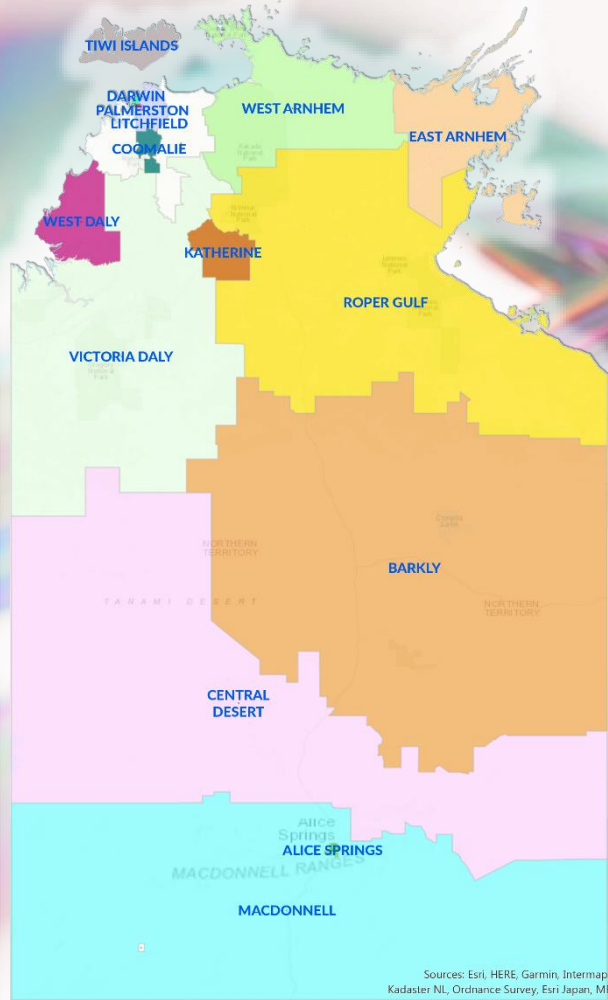
- Regional and remote communities
- Diverse population – different beliefs, practices and customs
- Public cemeteries run by local government councils
- Burials at a location outside a cemetery



Interests of Aboriginal people



Local government councils



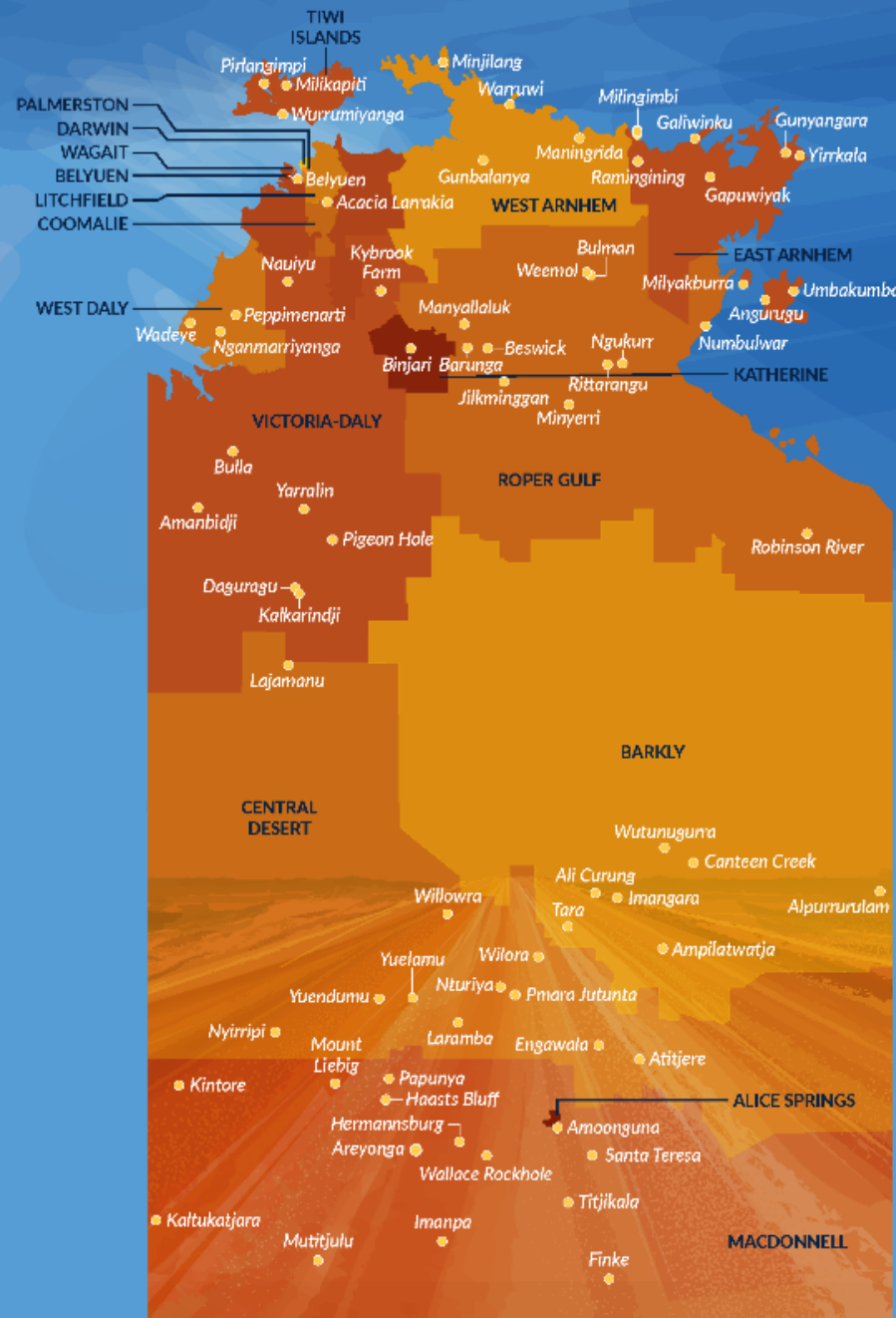
- 17 local government councils
- 3 types of councils – regional, municipal & shire
- 9 **regional** councils
- 5 **municipal** councils
- 3 **shire** councils

Local authorities

- 66 local authorities
- Representing communities within the 9 regional councils
- Play an important **advisory role for cemeteries and other local matters**
- Essential to the implementation of the new *Burial and Cremation Act 2019*



73 COMMUNITIES AT A GLANCE



ID	NAME	ESTIMATED POPULATION	ID	NAME	ESTIMATED POPULATION
279	ACACIA LARRAKIA	84*	531	MILINGIMBI	1439
202	ALI CURUNG	580	532	MILYAKBURRA	161
203	ALPURRURULAM	494	375	MINJILANG	290
622	AMANBIDJI	83	624	MINYERRI	726
9	AMOONGUNA	281	112	MOUNT LIEBIG	199
10	AMPILATWATJA	491	120	MUTITJULU	380
451	ANGURUGU	1005	397	NAUIYU	444
20	AREYONGA	229	404	NGANMARRIYANGA	458
42	ATITJERE	263	633	NGUKURR	1350
580	BARUNGA	427	127	NTURIYA	110
294	BELYUEN	193	549	NUMBULWAR	850
581	BESWICK	624	128	NYIRRIPI	277
582	BINJARI	223	131	PAPUNYA	475
586	BULLA	105	410	PEPPIMENARTI	209
587	BULMAN (comb. pop w/th WEEMOLI)	329	639	PIGEON HOLE	141
219	CANTEEN CREEK	216	411	PIRLANGIMPI	436
591	DAGURAGU	284	138	PMARA JUTUNTA	207
33	ENGAWALA	181	550	RAMINGINING	1025
36	FINKE	226	641	RITTARANGU	160
492	GALIWINKU	2453	258	ROBINSON RIVER	261
500	GAPUWIYAK	1058	145	SANTA TERESA	682
329	GUNBALANYA	1312	264	TARA	105
514	GUNYANGARA	282	148	TITJIKALA	267
41	HAASTS BLUFF	162	555	UMBAKUMBA	591
43	HERMANNSTURG	711	426	WADEYE	2679
250	IMANGARA	81	174	WALLACE ROCKHOLE	120
51	IMANPA	177	429	WARRUWI	457
593	JILKMINGGAN	354	654	WEEMOL (comb. pop w/th BULMAN)	329
603	KALKARINDJI	392	186	WILLOWRA	354
66	KALTUKATJARA	463	187	WILORA	112
72	KINTORE	482	400	WURRUMIYANGA	1837
608	KYBROOK FARM	120*	227	WUTUNUGURRA	195
609	LAJAMANU	703	658	YARRALIN	344
86	LARAMBA	281	576	YIRRKALA	951
362	MANINGRIDA	2712	197	YUELAMU	259
595	MANYALLALUK	108	198	YUENDUMU	892
374	MILIKAPITI	471			

*Population is based on the Homelands Service Provider Report 2017.
Population is based on the 2016 ABS population statistics for the SA2 geographical regions.
Boundaries indicated on the map are Local Government Areas.

bushtel.nt.gov.au



Summary of the Burial and Cremation Bill



Legislation

- Burial and Cremation Bill 2019
- Replaces current *Cemeteries Act 1952*
- Anticipated to commence 2020



Consultation

- 220 emails
- 130 in-person meetings & presentations
- 180 radio advertisements in 18 Aboriginal languages



Cemeteries

- Approx. 100 proposed cemeteries
- New cemeteries in 62 regional & remote communities



Policy development & the consultation process

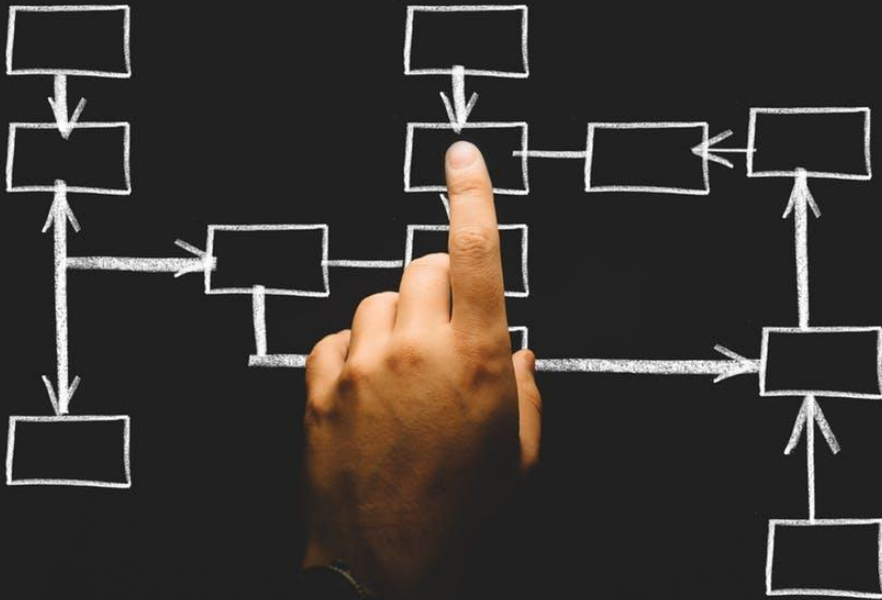


Key policies in the Bill

- Senior next of kin hierarchy (decision maker)
- Classes of cemeteries
- Cemetery plans
- Exclusive rights of burial (reservation of plots)



Senior next of kin



- Who has the decision-making power in relation to a deceased person?
 - If no executor or administrator & there is a dispute
- Structured as a descending hierarchy
- Mechanism to identify an appropriate decision maker
- Framed to take into account Aboriginal customs & tradition

“for a deceased person who was an
Aboriginal or Torres Strait Islander person
and who had strong cultural and traditional ties to
a community or group –

a person who, according to the customs and
tradition of that community or group to which the
person belonged, is appropriate to perform that
role”

Classes of cemetery

Public



- **Local councils**
- Urban areas

Community



- **Local councils**
- Regional & remote areas

Local



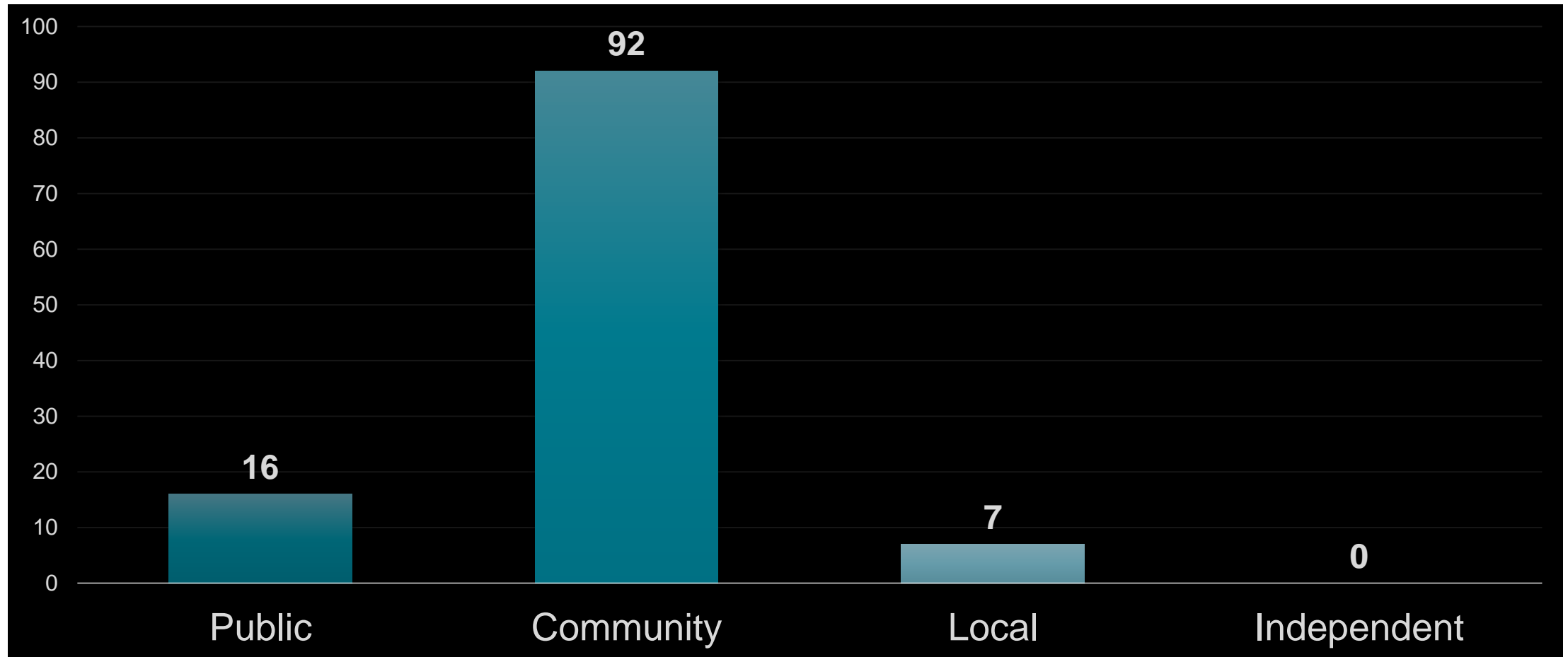
- **Aboriginal organisations**
- Regional & remote areas

Independent



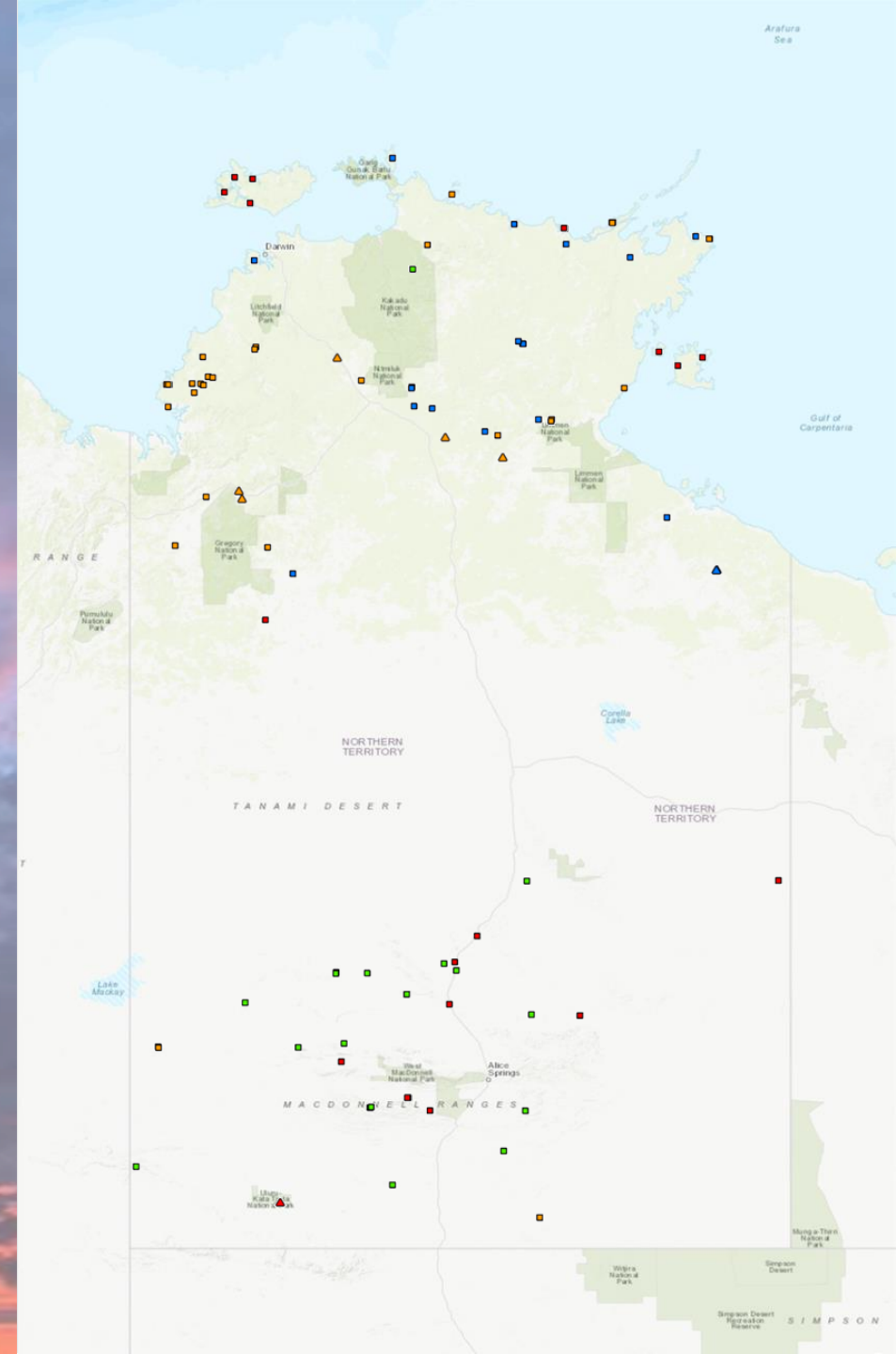
- **Private entities**
- Private land

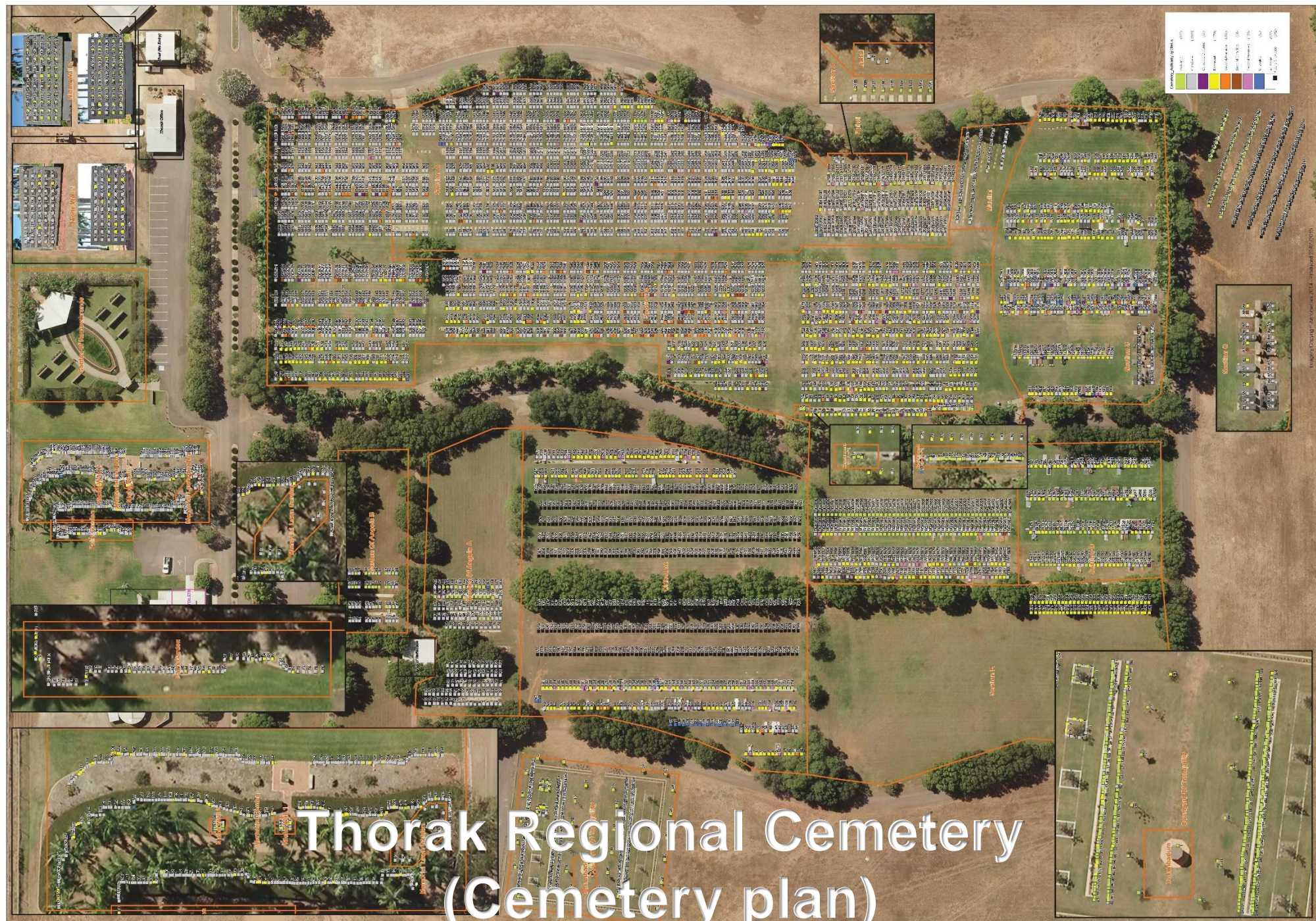
Number of cemeteries



Policy considerations

- Will this allow recognition of cemeteries on **Aboriginal land**?
 - Community cemeteries & local cemeteries
- Do cemeteries reflect **policy & law**?
 - Competition principles & anti-discrimination
- Will cemeteries work **now & for the future**?
 - Public understanding & ability to be changed





Exclusive rights of burial

50 years

- Maximum time period before expiry or renewal
- Cemetery management can set a shorter period (e.g. 25 years)
- Exclusive rights can be renewed prior to expiry
- Grantee can exercise the right
- If grantee is deceased – an appropriate person can exercise the right

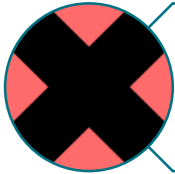
Grantee of an exclusive right



Is the holder of the exclusive right



Can surrender the exclusive right back to cemetery



Cannot sell the exclusive right to a third party

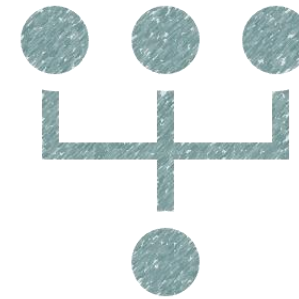


Can set conditions on the exercise of the right

Consultation overview

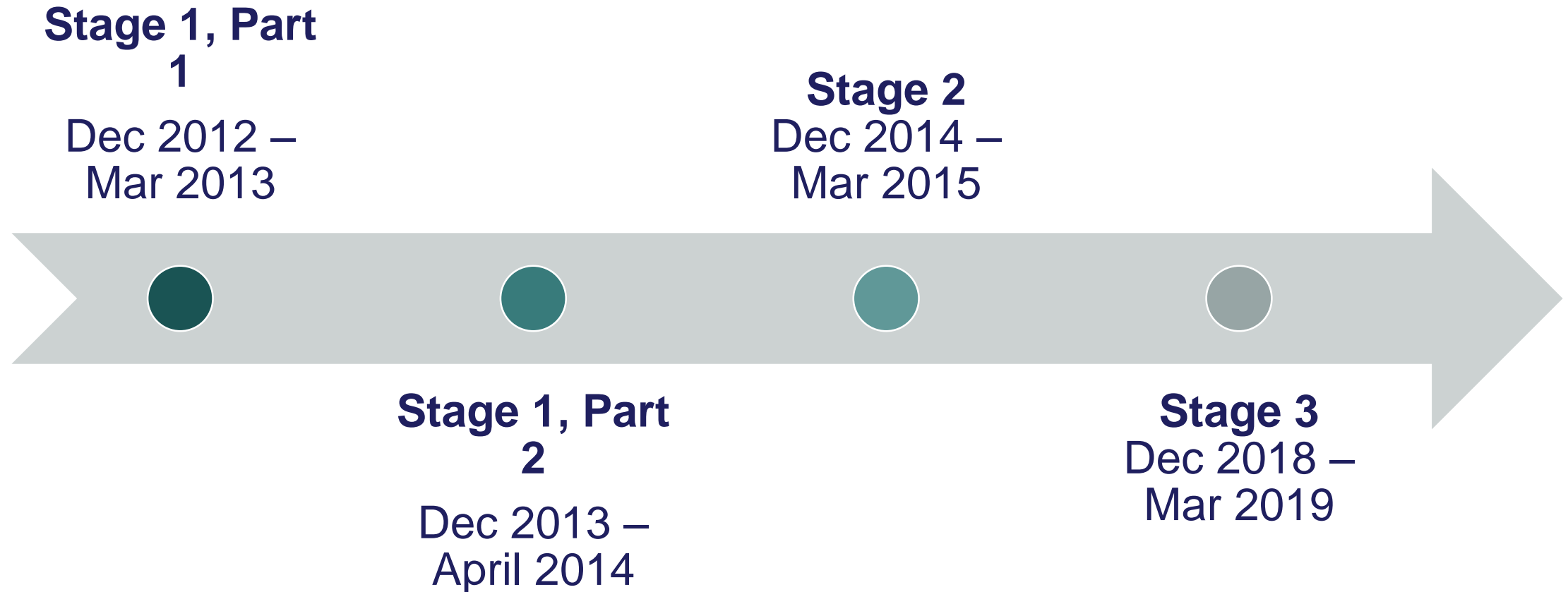


Different issues raised in
different stages

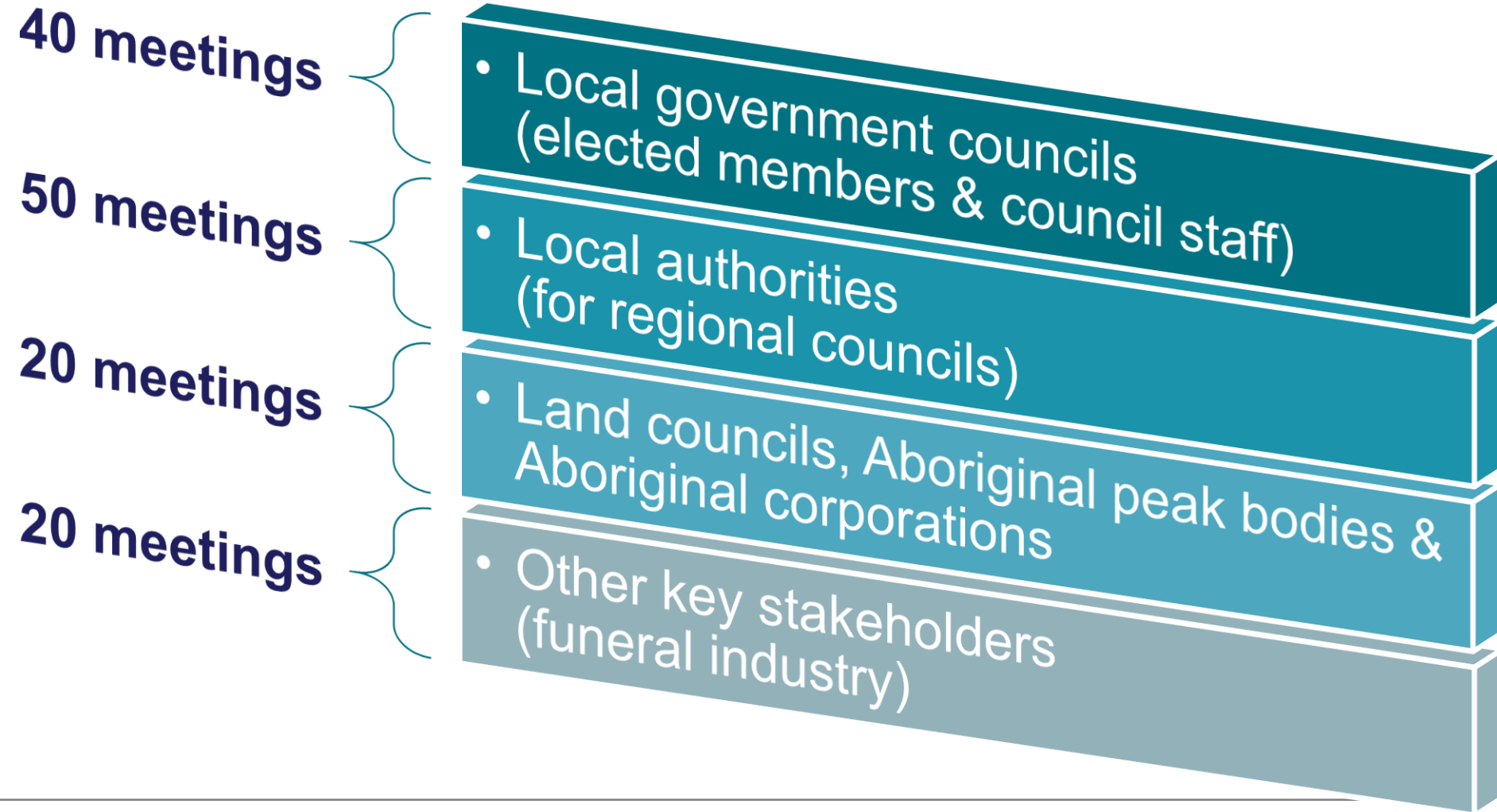


Development of policy &
finding solutions

Consultation timeline



Meeting statistics



Other policy changes

- **Depth of burial** aligned with other Australian states
- **Transportation** of human remains clarified in the Bill
- **Fees to be itemised** for cemeteries & crematoria
- **Cremation approvals** to be issued by facility managers

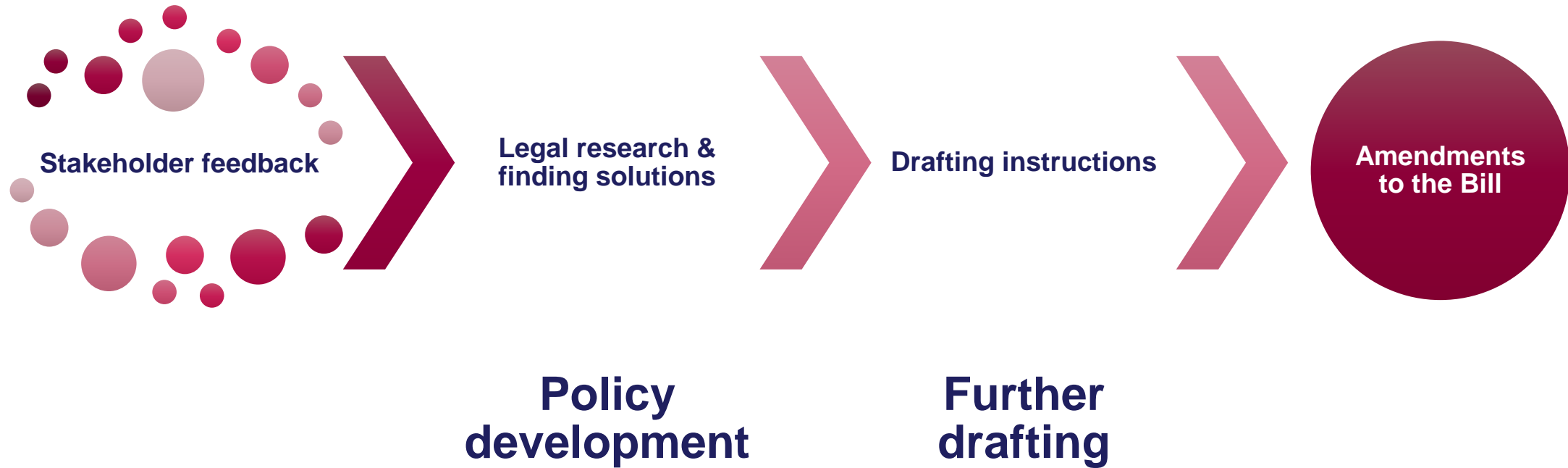




Drafting & introducing the Bill

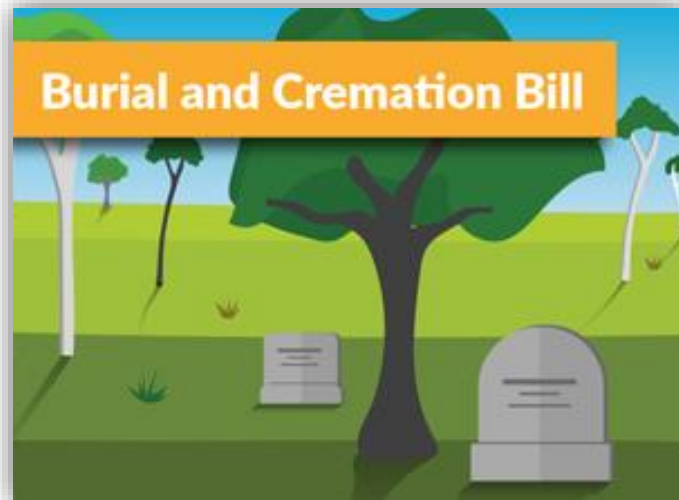


Drafting process



Response to stakeholder feedback

- Cause of death removed from burial & cremation records
- Rules for inspecting & accessing registers
- Entitlement to be buried in a shroud



Legislative Assembly process

Introduction
7 August 2019

**Social Policy
Scrutiny
Committee
Report**
15 October 2019

Commencement
First half of 2020





What does the new Act
mean for the future?

IV

Community & local cemeteries

Approx. 100 proposed cemeteries



Community-led cemetery management



Proper checks for the certification of death



Aboriginal language recordings & info accessible online



Burial records kept for future generations

Improving record systems

Cemeteries Act 1952

Inability to research family history

Impacts on land use & development

Gaps in important information

Burial and Cremation Act 2019

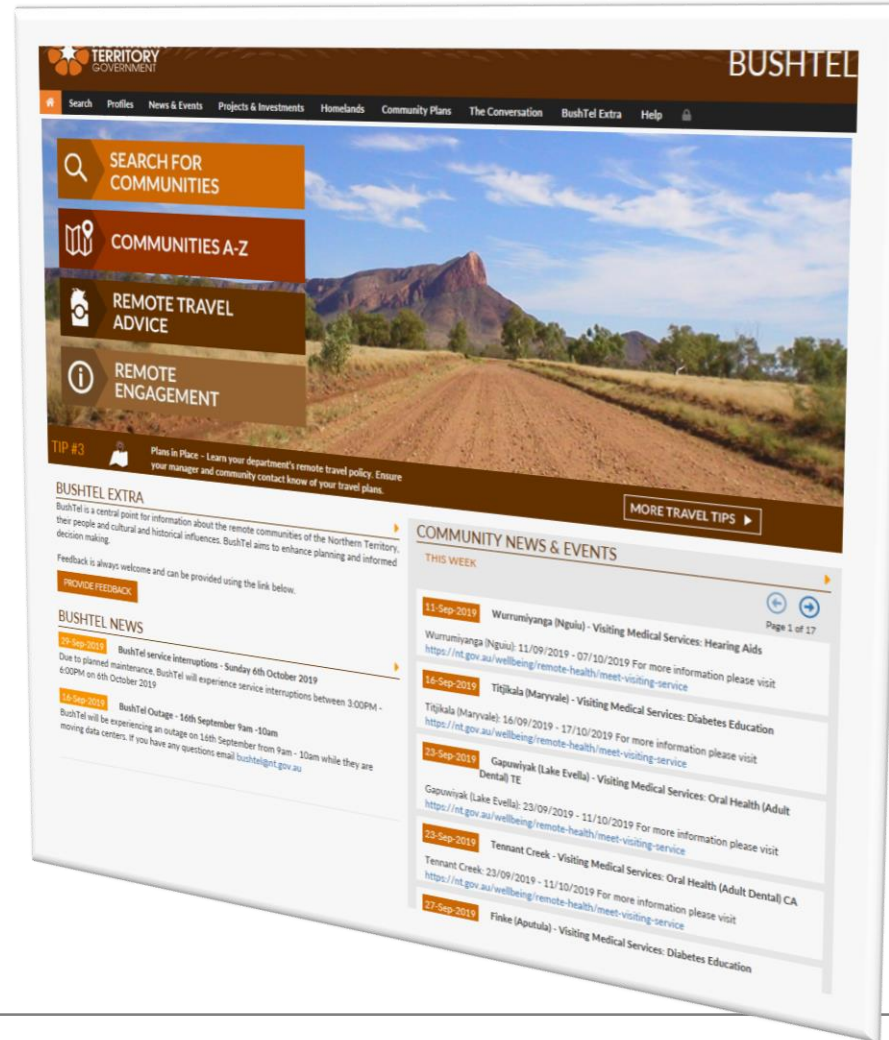
Records kept for future generations

Burial data available for planning

Greater education & awareness

Innovation & integration

- Mobile phone app for cemeteries
 - East Arnhem Regional Council
- BushTel
 - Community profiles & cemeteries info
- Electronic record keeping
 - Regional councils through CouncilBIZ (TechnologyOne)



Topics to be covered in the Regulations



Alkaline
hydrolysis



Ability to
recognise other
disposal methods



Interment in
a crypt



Burials outside
of a cemetery



Cemetery policies



Record keeping
requirements

What we have learnt along the way

- Communicating complex ideas for a variety of audiences
- Value of Aboriginal interpreters & Aboriginal language recordings
- Sensitivities of death, burial & cremation
- Brainstorming & collaborating with stakeholders to find solutions



A wide-angle photograph of a vast field of lotus plants at sunset. The foreground and middle ground are filled with large, dark green lotus leaves and numerous pink lotus flowers in various stages of bloom. In the background, a dense line of trees is silhouetted against the bright orange and yellow glow of the setting sun. The sky is filled with soft, wispy clouds, and the overall atmosphere is peaceful and serene. The text "Thank you" is centered in the middle of the image in a white, sans-serif font.

Thank you