

Frequently Asked Questions

Draft Burial and Cremation Bill

Greater Darwin

Disclaimer

This information sheet is not legal advice and does not cover all of the requirements proposed under the draft Burial and Cremation Bill. It is intended only as a quick reference for some main provisions. The full Bill should be read for a complete picture.

Background

The Northern Territory Government is developing new Burial and Cremation legislation. This legislation will repeal and replace the current *Cemeteries Act*.

Q&As

What will councils have to do under the new Act?

Councils will generally continue to:

- care for and maintain their cemeteries
- ensure burials of human remains and exhumations in their cemeteries are undertaken in accordance with the Act
- fund the maintenance of their cemeteries
- ensure there is access to equipment to undertake burials and exhumations
- establish and maintain records of burials and exhumations undertaken in their cemeteries
- establish and maintain the registers
- establish cemetery plans
- establish cemetery policies.

On the council website – cemetery plan including general cemetery information, burial application form and exclusive right of burial application form.

Sign at the cemetery – with the name of the cemetery and council contact details.

Issue burial and cremation permits – the CEO or delegated person will check that the application documents are correct and issue a burial permit.

Grant Exclusive Rights of Burial – the CEO or delegated person will be able to grant an exclusive right of burial in a grave.

Keep a register of burials and a register of exclusive rights of burial – the CEO or delegated person will keep a register of who is buried, when and where and a register of exclusive rights of burial.

What assistance will there be for council in relation to the new processes?

The department will help to draft processes, forms and permits as required.

Which cemeteries are in the areas of Darwin, Palmerston and Litchfield?

Cemetery name	LG area	Status of cemetery	Class of cemetery
Thorak Regional Cemetery*	Litchfield	Operational	Public
Darwin General Cemetery	City of Darwin	Semi-closed	Public
Gardens Road Cemetery	City of Darwin	Closed	Public
Palmerston (Pioneer) Cemetery, Parap	City of Darwin	Closed	Public

*Thorak Regional Cemetery also has a crematorium. For further information on crematoria, please see the 'Crematoria' information sheet.

What type of information goes into the burial register?

- full name of the deceased
- gender
- date of birth
- country of birth
- address of residence immediately before death
- date of death
- place of death
- cause of death
- last occupation before death
- marital status
- date of burial
- identification of the grave (e.g. grave number, GPS location)
- the type of burial (e.g. horizontal in coffin)
- the depth to the coffin/shroud
- descriptive details and date of any memorial erected at the grave
- the name of the person who officiated at the burial ceremony.

Is the burial register available to the public?

People may view the register in accordance with council policy. Council may set a fee to view the register.

How many deaths are there in the council area each year?

Year	2012	2013	2014	2015	2016	2017
City of Palmerston LG area	95	100	115	127	96	83
City of Darwin LG area	298	369	343	351	348	362
Litchfield LG area	60	81	77	94	74	77

Source - Australian Bureau of Statistics, Local Government Area statistics

Will the government help to put headstones or other markers on graves that are identified?

It is up to families to mark graves.

Will the council have to have grave numbers on plots?

No. There needs to be some way to identify a grave but it could be by other means such as GPS co-ordinates.

Can paperwork for burial permits be done electronically?

Council's process could include receiving applications and sending permits by email.

Where will cemetery records such as burial registers need to be kept?

The council needs to keep the records safe in the same way that all council records must be kept safe. The records could be kept electronically. It is a matter for the council.

What information is needed in a cemetery plan?

There would be a basic diagram of the cemetery and information about the types of burial available (e.g. horizontal).

What type of memorials/headstones will be allowed in cemeteries covered under the new Act?

Council can have a policy about headstones and memorials.