

## Frequently Asked Questions

# Draft Burial and Cremation Bill

## West Arnhem Regional Council

### 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 the council have to do under the new Act?

The main items are:

**On the West Arnhem Regional Council website** – basic cemetery plan including general cemetery information and burial application form.

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

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

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

### Who will fund the council to carry out duties required under the *Burial and Cremation Act*?

It is not expected that there will be a significant impost on councils.

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

### Will cemeteries under the Act have to be fenced?

No. Whether the cemetery should be fenced is a matter for the council.

### **Will the government be going back to record where all the old graves are now, and who is buried in them?**

No – this legislation is about keeping records from when the Bill becomes law. Councils may want to record old graves but this is not a requirement.

### **How much responsibility will Local Authorities have in managing cemeteries?**

We expect councils and CEOs will consult with local authorities about cemeteries within their local authority areas. The CEO may consider delegating the role of cemetery manager to a council employee in the community.

### **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.

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

It is up to families or relatives of the deceased to mark graves.

### **Will the council need to have grave numbers on plots?**

No. However there needs to be some way to identify a grave, but it could include 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?

Councils need to keep the records safe, in the same manner as all council records. The records could be kept electronically. It is a matter for the council.

### Can people see the register?

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

### What information is needed in a cemetery plan?

A basic diagram of the cemetery is required, as well as 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 its own policy about headstones and memorials.

### Which West Arnhem Regional Council cemeteries will be covered under the new Act?

Subject to Land Council or land owner approval:

Cemetery name	Class of cemetery
Gunbalanya Cemetery	Community Cemetery
Jabiru Cemetery	Community Cemetery
Maningrida Cemetery	Community Cemetery
Minjilang Old Cemetery	Community Cemetery
Minjilang New Cemetery	Community Cemetery
Warruwi Cemetery	Community Cemetery

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

West Arnhem LG area:

Year	2012	2013	2014	2015	2016	2017
Deaths	31	26	31	45	23	32

Source - Australian Bureau of Statistics, Local Government Area statistics

### How will the changes to the Act affect sorry business and ceremony?

The changes will not affect sorry business or ceremony.