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Ms Julia Knight  
Committee Secretary  
Social Policy Scrutiny Committee  
Department of Legislative Assembly  
GPO Box 3721  
DARWIN NT 0801

Dear Ms Knight

*City of Palmerston submission on draft *Burial and Cremation Bill**

Thank you for the opportunity to provide comment on the draft *Burial and Cremation Bill*. Council continues to have significant concerns about the intent of the draft bill that were not addressed as part of the previous consultation.

It is clear that the intent of this Bill is to encourage growth and competition in the burial and cremations sector. Thorak Regional Cemetery (TRC) is the only operational public cemetery within the region and services Litchfield, Palmerston and Darwin. A lack of enough income to cover the expenses of TRC has proven challenging, and this challenge is exacerbated by the size of population in the region it serves not being sufficiently large and historical growth rates slowing.

As a result of these challenges, Litchfield, Palmerston and Darwin local governments recently commissioned KPMG to prepare a business case which would secure the long-term viability of TRC. The Business Case concluded that the establishment of a Ministerial Board with Northern Territory Government (NTG) appropriation for capital and operational expenditure in the order of \$400,000 per annum would best support TRC into the future. TRC is an essential service for the region. It is important to ensure that this essential service continues to operate for the community and its sustainability into the future is secured.

Therefore, given the outcomes recommended in the Business Case and the slowing population growth currently being experienced in the Top End, the intent of this legislation that encourages the development of commercial cemeteries and crematoria is not supported. It further threatens the sustainability of TRC, which will likely result in NTG and local government having to make further contributions to ensure its sustainability. Simply relying on market forces to ensure viability does not ensure that new operators will not emerge to crowd the market.

Council also like to take the opportunity to raise concerns with specific elements of the draft bill.

Section 52 does not allow the transfer of an exclusive right of burial. This absolute restriction does not allow people to on-sell or transfer their burial site if they no longer require it or wish to transfer it to other members of their family. Council is supportive of the intent to remove the use of burial sites as a commodity, however, encourages NTG to consider allowing the transfer of burial sites in appropriate circumstances, eg. between family members, as people's circumstances change over the course of their life. They may wish to change where or how their remains are dealt with or use the burial

site differently, and a compassionate outcome that allows them the flexibility to do is recommended.

It does not appear in the draft Bill that there are governance or disclosure requirements for the management of funds held in perpetuity for graves care and maintenance. It is recommended that this be included in the draft Bill or associated Regulations to minimise the chance of fraud or poor governance.

There are several requirements in the proposed bill to keep a register of cemeteries and for the responsible entity to maintain records, however there is no requirement for records to be kept at a central point, unless a facility closes, in which case records must be forwarded to the NT Archives. Centralised records will make it easier to access and share information including for law enforcement. It is recommended that the bill require records to be centrally maintained by a relevant authority.

Under the proposed legislation, there is no provision for the regulation of funeral directors. There needs to be a regulatory environment for funeral directors that sets out licensing requirements, powers, enforcement and penalties. If this is not the case, then funeral directors are only governed by voluntary industry codes which can still result in poor customer service outcomes without remedy.

Council notes that there is an intention for Regulations to be prepared. Council requests that local government and other stakeholders be consulted on the draft Regulations.

Should you have any queries or concerns, or require further information, please contact Director Governance and Regulatory Services, Mr Chris Kelly on [chris.kelly@palmerston.nt.gov.au](mailto:chris.kelly@palmerston.nt.gov.au) or (08) 8935 9971.

Yours sincerely



Kathy Jarrett  
Acting Chief Executive Officer