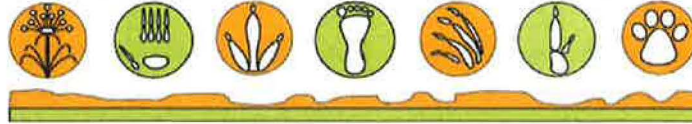


# BARKLY REGIONAL COUNCIL



## **Re: Burial and Cremation Bill 2018 Response on Draft Bill**

Dear Sir/Madam

This Letter is intended to outline the Barkly Regional Council's response to the Draft Burial and Cremation Bill and addresses several areas of concern we have with the proposed changes.

### **1. Clarity over CEO**

Throughout the proposed Bill, there are inconsistencies about references to the CEO.

The proposed section 5 defines CEO as 'the Chief Executive Officer of the Agency administering this Act' but there are several instances where despite CEO being noted, it is unclear if it refers to the Agency or the relevant cemetery manager. The manager of the cemetery being the CEO of the Council is clear and unambiguous under section 13(a).

Throughout the proposed Bill but particularly Sections 29(1), 31 and throughout Part 6 refer to the CEO. Although this is implied to be the CEO of the Department, it is unclear exactly who it is referring to. Either a statement or provision confirming the proper CEO, a reference to the section 5 or the insertion of 'of the managing entity/Agency' would be appreciated to ensure no misunderstandings about who the Bill is referring in different instances.

### **2. Background of cemeteries under Council's control**

Given the size of the Barkly region, we have cemeteries across the region which are difficult to monitor. Tennant Creek and Elliott cemeteries are Gazetted public cemeteries. In addition we have several community cemeteries scattered across the region including Ali Curung, Ampilatwatja, Arparra, Wutungurra and Alpururulam.

### **3. Land use agreements or leases**

The proposed bill does not address the matter of current Cemetery land tenure. Some Cemeteries are located on Pastoral leases, others on Indigenous Land or with community living areas. No Community cemeteries in the Barkly have section 19 leases or licences to use the land.

The matter of land tenure needs to be resolved prior to handing Cemeteries to Councils.

### **4. Quality of cemeteries given to Council**

A particular concern of Barkly Regional Council is the state of the cemeteries that Council will be granted management rights over once this Bill is approved. An issue right across the Northern Territory is the state of disrepair of community cemeteries and this is particularly prevalent across the Barkly region. Being the second largest Local Government area in Australia the Barkly faces significant logistical hurdles, particularly because of distance and limited resources in Communities.

Remote Community Cemeteries have not been maintained for many years, in most instances there has been no record keeping and many burial plots are un-marked. Initial

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consultation with communities carried out by NTG set an expectation that these issues would be addressed prior to Cemeteries being handed over to Councils. This Bill; granting us more cemeteries, is likely to put more pressure on limited Council resources. Our Council does not have the financial capacity to improve the current condition of Cemeteries.

Council's expectation is that these Cemeteries will be brought up to a reasonable standard prior to the enactment of this proposed Bill.

#### **5. Cost of burials**

In regards to the above mentioned two gazetted Cemeteries (Tennant Creek and Elliott) for the Barkly Council; the cost for a plot is listed in Council's fees and charges. For the 18-19 financial year the fee for a single plot is \$900.00. For Cemeteries located in communities that are currently not gazetted the cost is zero. Should the Council be handed the Cemeteries, Council fees and charges may apply and for the first time people in communities would need to pay to bury family. This is likely to further delay burials as relatives may not be able to afford the fee. Charging fees can also complicate the matter of obtaining leases or licenses over the land.

#### **6. Limited scope/potential for improvements**

Without income Council would not be in a position to maintain records for Cemeteries, the proposed bill has significant penalties if the managing entity does not keep records as outlined in the Bill. Further to this point, if death certificates cannot be issued in communities, burial permits will not be able to be issued.

The Bill proposes that Council's will become responsible for maintenance and having equipment to undertake burials. In some communities we do not have the necessary equipment, at present graves are either dug by a third party or family members when culturally required.

Council may also be required to assist families with filling in complex paperwork to obtain a burial permit. This may place unreasonable stress on staff members in communities. In some instances our staff may be directly related to the deceased person making the process even more stressful. Paperwork requirement needs to be clear and Community Clinic's would need to assist families to prepare paperwork for Council.

Public information sessions will also need to be held to ensure residents understand the changes and the requirement for them to provide information on the death of a relative to Council Officers.

The actual draft Bill is a reasonable document, the issue is more around the assumptions the document makes about remote cemeteries. Council is unlikely to agree to take on another worthless asset unless they are in a reasonable condition and the cost to operate is covered.

Yours faithfully



Steve Moore  
CEO