

Summary of Information Sheet

Draft Burial and Cremation Bill

Reviewable decisions

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.

Review and appeals to NTCAT

There are seven situations where a person can apply to the Northern Territory Civil and Administrative Tribunal (NTCAT) for a review of the decision.

These decisions are:

1. **Manager of a public cemetery refuses application for a burial permit**

A manager of a public cemetery must issue a burial permit provided that the application complies with the legislation and provided that the appropriate fees are paid.

If the manager of a public cemetery refuses to issue a burial permit, the person who applied for the permit may take the matter to NTCAT.

2. **Requirement to repair, remove or reinstate a memorial**

If a memorial (e.g. a tombstone) becomes unsafe and it is not the fault of the council/organisation responsible for the cemetery or crematorium, the person who applied to erect the memorial can be required to fix the problem.

If the person wants that decision reviewed, they can take the matter to NTCAT.

3. **Refusal to allow exercise of exclusive right of burial**

When a person holds an exclusive right of burial, they can expect to have a burial/burials in the allocated plot. If they are refused, they can take the matter to NTCAT.

4. **Minister's decision to issue an enforcement order**

If the minister issues an enforcement order, the council/organisation against whom the order is made can ask NTCAT to review the decision of the minister to issue the order.

5. **Minister's decision to suspend the operation of a crematorium**

If the minister issues a suspension notice, the council/organisation against whom the notice is issued can ask NTCAT to review the minister's decision to issue the notice.

6. Minister's decision to revoke or close a declared cemetery

If the minister decides, after contraventions of the Act have not been remedied, to revoke the declaration of the cemetery or close or semi-close the cemetery, the council/organisation responsible for the cemetery can ask NTCAT to review the minister's decision.

7. Minister's decision to revoke the licence of a crematorium

If the minister decides, after contraventions of the Act have not been remedied, to revoke the licence for a crematorium, the council/organisation responsible for the crematorium can ask NTCAT to review the minister's decision.

Procedure

When a cemetery manager, council, organisation or minister makes a reviewable decision, they must give the affected person a written notice of the decision, including the reasons for the decision. The person affected by the decision has a right to have the decision reviewed by NTCAT.

The person may file an application with NTCAT to have the decision reviewed. When the application is lodged, the registrar stamps it and gives a time for a directions hearing, a compulsory conference or a hearing.

The person must serve a copy of the application with the registrar's stamp, on the decision maker. The decision maker can file a response with NTCAT and must provide a copy to the person affected by the decision.

For more information on NTCAT visit: ntcat.nt.gov.au.