

## Summary of Information Sheet

# Draft Burial and Cremation Bill

## Closure of cemeteries

### 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.

## Closure of cemeteries

This information deals with the closure and winding down of cemeteries. Cemeteries may also be closed in certain circumstances where there is serious non-compliance with the legislation (see 'Compliance Framework' information).

## Winding down

Under the new legislation, as cemeteries wind down operations, they may become semi-closed or closed and can, in some cases, be transformed into parklands.

A semi-closed cemetery is one where burials are no longer available except where there is an existing exclusive right of burial or where there is to be an additional burial in an existing grave (that is, a multiple burial). In other words, no new grave plots would be issued in a semi-closed cemetery.

Example of cemeteries which will be semi-closed at the commencement of the legislation are Darwin General Cemetery on McMillans Road, Darwin and the Alice Springs General Cemetery on Memorial Avenue, Alice Springs.

A closed cemetery is one where burials are no longer available. This does not mean that people cannot visit the cemetery, it just means that there are no new burials.

Both semi-closed and closed cemeteries must be open at least eight hours each day to allow visitors. It is likely that a cemetery would be semi-closed for many years before it becomes a closed cemetery.

## How a cemetery becomes semi-closed or closed

The council/organisation which is responsible for the cemetery, or the owner of the land, can apply to the minister to declare a cemetery as semi-closed or closed. The minister could also take this action on their own.

In practical terms, an application would be made by the council/organisation with the support of the land owner.

## **Transformation to a public park**

If a cemetery has been closed for 50 years, an application can be made to the minister to transform it into a public park.

Before such an application can be made, the public must be advised. There must be public consultation and attempts made to contact executors/administrators, next of kin and burial permit applicants in relation to each deceased person buried in the cemetery. The consultation information must include a plan of the proposed public park, the proposed timeframe for the transformation and how objections can be made.

There must be an inventory and layout of the cemetery which identifies all places of burial and memorials, including any inscriptions. Each memorial must also be photographed. These records must be available for inspection and must be on the council/organisation's website.

The minister may impose conditions on an approval to transform a cemetery into a public park.

The council/organisation must comply with any conditions imposed by the minister. This could include conditions about retaining or relocating memorials.

## **Activities in the public park**

After transformation, the public park may only be used as a place for quiet recreation and no competitive sports will be allowed.

A closed independent cemetery that has been transformed into a public park must be kept as a public park for at least 50 years.