

NORTHERN TERRITORY OF AUSTRALIA

BURIAL AND CREMATION REGULATIONS 2022

As in force at 28 November 2022

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BURIAL AND CREMATION REGULATIONS 2022

Regulations under the *Burial and Cremation Act 2022*

1 Title

These Regulations may be cited as the *Burial and Cremation Regulations 2022*.

2 Commencement

These Regulations commence on the commencement of section 195 of the *Burial and Cremation Act 2022*.

3 Definition

In these Regulations:

alkaline hydrolysis means the process specified in regulation 8(2).

4 Changing details of cemetery

For section 19(2)(a) of the Act, before changing the location of a cemetery, the Minister must have regard to whether any human remains that are buried in the cemetery will no longer be part of the area of land of the cemetery if the location of the cemetery is changed.

5 Restrictions on location of burial in undeclared area

- (1) For section 37(2) of the Act, the following restrictions on the location of a burial in an undeclared area are prescribed:
 - (a) the proposed burial site must be located on a parcel of land that is at least 5 ha in area;
 - (b) the proposed burial site must be at least 100 m away from any occupied building;
 - (c) subject to subregulation (2), the proposed burial site must not be located on land used for public infrastructure, including the land used for an extraction area;

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- (d) the proposed burial site must be at least 100 m away from a bore that is not decommissioned;
 - (e) the proposed burial site must not be within the vicinity of an area of land in which a wastewater management system is installed, including the land application area;
 - (f) the proposed burial site must be at least 100 m away from any body of water;
 - (g) the proposed burial site must not be located on land that is subject to a floodway;
 - (h) the proposed burial site must not be located on land that is zoned M (Main Road), PM (Proposed Main Road), RW (Railway), U (Utilities), FD (Future Development), DV (Development) or WM (Water Management) under a planning scheme as defined in the *Planning Act 1999*.
- (2) Despite subregulation (1)(c), a proposed burial site is taken to not be located on land used for a road if:
- (a) the proposed burial site is located on unzoned land; and
 - (b) the proposed burial site is:
 - (i) located 100 m away from the centre of the road; and
 - (ii) not within a road reserve.
- (3) Subregulation (1) does not apply to an interment in a structure.
- (4) In this regulation:

decommissioned, in relation to a bore, has the same meaning as in the "Minimum Construction Requirements for Water Bores in Australia", published by the National Uniform Drillers Licensing Committee, as amended from time to time.

extraction area has the same meaning as in the "Standard Specification for Roadworks", published by the Department of Infrastructure, Planning and Logistics, as amended from time to time.

floodway means areas of a floodplain where a significant discharge of water occurs during floods.

land application area has the same meaning as in the "Code of Practice for Wastewater Management", published by the Department of Health and approved by the Chief Health Officer on 4 November 2020, as amended from time to time.

public infrastructure means infrastructure for the public or for use by the public.

Examples for definition public infrastructure

Roads, dams, bridges, recreational spaces and corridors for infrastructure, transport and utilities.

unzoned land means land that is not covered by a zone under a planning scheme as defined in the *Planning Act 1999*.

wastewater management system, see regulation 69 of the *Public and Environmental Health Regulations 2014*.

6 Declaration of structure

For section 85 of the Act, before declaring a structure or class of structure for the interment of human remains under section 83 of the Act, the Minister must have regard to the following:

- (a) any plan for the structure or class of structure prepared by the person who, or entity that, will have responsibility for managing and controlling the structure or class of structure;
- (b) whether the plan referred to in paragraph (a) includes adequate information in relation to the following:
 - (i) the layout of the structure or class of structure that identifies any portion of the structure or class of structure for specific use;
 - (ii) the location of each burial site in the structure or class of structure.

7 Requirement to consult before granting licence to operate facility in relation to alkaline hydrolysis

Before the Minister grants a licence to operate a facility under section 123(1) of the Act, the Minister must consult the following if the facility intends to make alkaline hydrolysis available at the facility:

- (a) the Chief Health Officer for any environmental and public health matter in relation to undertaking alkaline hydrolysis at the facility;

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- (b) the licensee for the relevant sewerage services licence area under the *Water Supply and Sewerage Services Act 2000* to confirm whether the facility can operate within the guidelines of the Trade Waste Code in relation to undertaking alkaline hydrolysis at the facility.

8 Alkaline hydrolysis

- (1) For section 137(b) of the Act, alkaline hydrolysis is prescribed as a process for the disposal of human remains.
- (2) The process of disposing human remains by alkaline hydrolysis must involve:
 - (a) placing the human remains in a solution of water and alkali in a purpose-built pressurised chamber; and
 - (b) heating the chamber to a temperature in order to:
 - (i) destroy all microbes in the chamber; and
 - (ii) completely reduce the human remains to liquid and ash.

Note for regulation 8

It is an offence against section 188 of the Act to dispose of human remains by a process that is not authorised by the Act or another Act.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Burial and Cremation Regulations 2022 (SL No. 19, 2022)

Notified	22 November 2022
Commenced	28 November 2022 (r 2, s 2 <i>Burial and Cremation Act 2022</i> (Act No. 16, 2022) and Gaz S60, 23 November 2022)