

Serial 278  
Cemeteries Amendment Bill 2000  
Mrs Braham

**A BILL  
for  
AN ACT**

to amend the *Cemeteries Act*



NORTHERN TERRITORY OF AUSTRALIA

CEMETERIES AMENDMENT ACT 2000

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No. of 2000

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# NORTHERN TERRITORY OF AUSTRALIA

No. of 2000

## AN ACT

to amend the *Cemeteries Act*

[Assented to 2000]  
[Second reading 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Cemeteries Amendment Act 2000*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Cemeteries Act* is in this Act referred to as the Principal Act.

**4. Powers of Boards**

Section 13 of the Principal Act is amended by inserting after paragraph (aa) the following:

"(aaa) to grant a licence to a person who is not an undertaker to undertake in that cemetery the funeral of a relative of the person or the funeral of another person with whom the Board is satisfied the person had a close association;"

**5. Repeal and substitution**

Section 14 of the Principal Act is repealed and the following substituted:

**"14. Board or other person may erect etc. crematorium**

"(1) Subject to this section, a person (who may be a Board) may erect, maintain, upkeep or improve a crematorium.

"(2) A person must not erect a crematorium unless the Minister approves in writing the erection of the crematorium.

"(3) The Minister's approval to erect a crematorium may be subject to any conditions relating to the location, erection, maintenance, upkeep and improvement of the crematorium that the Minister considers appropriate and specifies in the approval.

"(4) A person must not erect a crematorium unless it is erected in accordance with the Minister's approval.

Penalty: 10 penalty units or imprisonment for 3 years.

"(5) A person who maintains, upkeeps or improves a crematorium must do so in accordance with the conditions as to maintenance, upkeep or improvement specified in the Minister's approval to erect the crematorium.

Penalty: 10 penalty units or imprisonment for 3 years.

**"14A. Appointment of person to supervise crematorium**

"A person who controls the business of a crematorium must appoint a natural person (who may be the person who controls the crematorium) to supervise the operations of the crematorium."

**6. Cremations**

Section 15 of the Principal Act is amended –

- (a) by omitting "the provisions of this Act" and substituting "this Act and instruments of a legislative or administrative character made under this Act"; and
- (b) by omitting "Penalty: \$1,000 or imprisonment for 3 years, or both" and substituting "Penalty: 10 penalty units or imprisonment for 3 years".

**7. Permit for cremation**

Section 16 of the Principal Act is amended –

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- (a) by omitting "Subject to this Act" and substituting "(1) Subject to this Act,";
- (b) by inserting "in a crematorium controlled by the Board" before "if it receives";
- (c) by inserting in paragraphs (b) and (c) "or she" after "he"; and
- (d) by adding at the end the following:

"(2) Subject to this Act, the Minister may grant a permit for the cremation of the body of a deceased person in a crematorium controlled by a person who is not a Board if the Minister receives –

- (a) a certificate signed by 2 legally qualified medical practitioners, one or whom has attended the deceased in a professional capacity prior to death, stating that death was due to natural causes;
- (b) a certificate signed by a legally qualified medical practitioner stating that he or she has conducted a post-mortem examination of the body of the deceased and that death was due to natural causes;  
or
- (c) a certificate signed by a coroner stating that he or she has held an inquest as to the cause of death of the deceased and that no further examination of the body is necessary."

**8. Next of kin may object to cremation**

Section 18 of the Principal Act is amended –

- (a) by omitting subsection (1) and substituting the following:

"(1) A next of kin, whether 18 years of age or not, of a deceased person may give notice –

- (a) in the case of the proposed cremation of the deceased person in a crematorium controlled by a Board – to the Board objecting to the cremation of the body of the deceased; or
  - (b) in the case of the proposed cremation of the deceased person in a crematorium controlled by a person who is not a Board – to the Minister objecting to the cremation of the body of the deceased.";
- (b) by omitting subsection (2) and substituting the following:

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"(2) On receiving a notice under subsection (1), unless the deceased person has left an attested memorandum directing or expressing the desire that his or her body is to be cremated, the Board or the Minister must –

- (a) refuse to grant a permit for the cremation of the deceased person; or
- (b) if a permit has been granted – immediately revoke the permit and give written notice of the revocation to the person supervising the operations of the crematorium by affixing a copy of the notice to the door of the crematorium concerned and serving a copy of the notice on the person."

**9. Officers may forbid cremation**

Section 19 of the Principal Act is amended by omitting "in charge of the crematorium" and substituting "supervising the operations of the crematorium".

**10. Repeal and substitution**

Section 25 of the Principal Act is repealed and the following substituted:

**"25. Inspection of premises**

"The Minister may, in writing, authorise a person to enter and inspect a cemetery or a crematorium and the buildings, fittings, works, apparatus, graves, vaults and places of burials in the cemetery or crematorium."

**11. Regulations**

Section 40 of the Principal Act is amended by inserting in paragraph (j) "and management" after "the use".

**12. Further amendments**

The Principal Act is amended as set out in the Schedule.

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**SCHEDULE**

Section 12

Provision	Amendment	
	omit	substitute
Section 9(2)(b) and (6)	"his"	"his or her"
Section 10	"his" (wherever occurring)	"his or her"
	"him"	"him or her"
	"he" (wherever occurring)	"he or she"
Section 11(3)	"he"	"he or she"
Section 17	"he"	"he or she"
	"\$400 or imprisonment for one year, or both"	"4 penalty units or imprisonment for 1 year"
Section 20	"him"	"the person"
	"he"	"he or she"
	"\$1,000 or imprisonment for 3 years, or both"	"10 penalty units or imprisonment for 3 years"
Section 21	"\$200"	"2 penalty units"
Section 22	"\$100"	"1 penalty unit"
Sections 23 and 24	"\$40"	"1 penalty unit"
Sections 26 and 28	"\$100"	"1 penalty unit"
Section 29(2)	"he"	"he or she"
Section 30	"his"	"his or her"
Section 37	"\$200"	"2 penalty units"

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Section 40(m)

"\$100"

"1 penalty unit"

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