

Burial & Cremation Bill fails Aboriginal people

13 October 2019

The Northern Land Council is profoundly disappointed with the failure of the NT Legislative Assembly's Social Policy Scrutiny Committee to address serious concerns raised by Aboriginal people about the Burial & Cremation Bill 2019.

On Tuesday 8 October 2019, the Committee handed down its report recommending the passing of the Bill. The report rejected all recommendations from submissions by Aboriginal groups and endorsed passage of the Bill without amendment. The NLC supports comments by MLA for Nhulunbuy, Yingiya Guyula, that the Bill does not properly recognise the importance to Aboriginal people of customary burials on their land.

NLC Chief Executive Officer Marion Scrymgour said Aboriginal people should not need to seek permission for traditional burials on their country.

"Traditions around funerals and burials are of great importance to the NLC's constituents. This includes an obligation among many clan groups as to where ceremonies and burials must take place," said Ms Scrymgour.

"It is appropriate that an Act first drafted in 1952 be given a comprehensive overhaul. However, while the proposed legislation addresses a number of administrative problems with the Act it fails to account for contemporary Aboriginal culture in a way that we would expect in 2019. The Legislation should be able to respect the rights and culture of Aboriginal people while meeting the needs of government."

The NLC is also critical of the unjustified increase in maximum penalties across a range of offences.

"We are greatly concerned by the 10,000% increase in maximum penalty units and the introduction of a two year prison term for burials outside of cemeteries. The provisions in the Bill risk further criminalising a population that is already drastically over-represented in the prison system," said Ms Scrymgour.

The NT has the highest imprisonment rate in Australia and Aboriginal people make up 84 per cent of the prison population.

"It is ridiculous that any government would think a prison term is appropriate for a burial carried out in accordance with Aboriginal tradition."

The NLC urges the Legislative Assembly to make amendments to the Bill in line with the written submissions and oral evidence given to the Committee by the land councils, other Aboriginal representative groups and Mr Guyula MLA.

ENDS

NLC contact:

Leah McLennan 0427 031 382