

Burial Rites are Sacred

The Northern Territory Chief Minister and his Government are urged to allow Aboriginal people living on their traditional lands culturally appropriate funerals without undue bureaucratic interference.

A draft Burial and Cremation Bill 2019 now before the NT Parliament would introduce a penalty of \$31,000 and a possible two-year prison sentence for burials currently carried out on country outside cemeteries without the permission of bureaucrats in Darwin.

In support of Aboriginal people and organisations who have lodged serious objections to the burial legislation, *'concerned Australians'* wants the NT Government to recognise that burial rites are sacred. When the most impoverished people in Australia are already facing an increasing procession of funerals from premature deaths, this harsh and insensitive approach after the loss of their family members piles grievance upon grief.

A Yolngu senior Elder and the Member for Nhulunbuy in the NT Legislative Assembly, Yingiya Mark Guyula, has told the Government, "This is not your business." By ignoring the very serious objections of Aboriginal people and refusing to amend any part of the Bill, the NT Parliament's Social Policy Scrutiny Committee "disrespects Aboriginal culture" and "criminalises elders and leaders."

"It is ridiculous that any government would think a prison term is appropriate for a burial carried out in accordance with Aboriginal tradition," adds Marion Scrymgour, Chief Executive Office of the Northern Land Council. "The provisions in the Bill risk further criminalising a population that is already drastically over-represented in the prison system." Ms. Scrymgour is adamant that Aboriginal people should not have to seek permission for traditional burials on their lands.

The CEO of the Central Land Council, Joe Martin-Jard says that it is "heartless to put people through this when they are grieving" by requiring Aboriginal families to appeal to "a passing parade of powerful public servants." Mr Martin-Jard warns that the NT Chief Minister, Michael Gunner, will face tough questioning when he attends the next CLC meeting at Yulara Puka on October 28th.

'concerned Australians' believes that the Chief Minister should re-engage with Aboriginal elders, representatives of the land councils and the North Australian Aboriginal Justice Agency to allow local, culturally sensitive decision making about burials on Aboriginal lands.

Emeritus Professor Jon Altman of the Australian National University says that there are many reasons for concern about why the NT Government is amending burial and cremation laws first drafted in 1952. The development agenda in the Top End might be hindered by burial grounds on country. Territory Housing managers might also face objections to

Aboriginal families moving away from the places where their loved ones are buried. Professor Altman concludes that “as with many tunnelled visioned attempts to streamline old laws, the streamlining is actually about mainstreaming Aboriginal difference to the norms and values of the dominant society.”

Former Chief Justice of the Family Court of Australia, Alastair Nicholson, deeply concerned, concurs with Yingiya Mark Guyula MLA who said "this is an insult to cultural ceremonies practices to the sacred sites, and foreign authorities interfering with the common law coming from law of the Yolngu Ngarra' Parliament."

Another member of '*concerned Australians*', journalist and film maker, Jeff McMullen adds that many Aboriginal people in remote communities are likely to face additional costs for funerals unless the draft Bill is amended. Very poor families already struggle to meet the cost of returning coffins from distant mortuaries and gathering relatives for traditional grieving practices. Government run cemeteries in the cashed-strapped NT Shires are expected to claim that they face additional costs under the new burial requirements and no doubt any costs will be passed on to struggling Aboriginal families.

The Yolngu Nations Assembly add, *"Despite submissions against this bill it is looking to be passed this week. We have not finished with our voice against this."*

'*concerned Australians*' urge the NT Chief Minister, Michael Gunner, to initiate an immediate and sensitive re-examination of this bill.

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