



Adrian Pederick MP
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House of Assembly
Thursday, 21 February 2013
BURIAL AND CREMATION BILL

Mr PEDERICK (Hammond) (17:30): I rise, too, today to speak to the Burial and Cremation Bill 2012. I note that what we are doing today is streamlining the process of burial and cremation. Instead of having several pieces of legislation as part of the process, we are refining it down to one which I think is a sensible move. As was rightly said before, the opposition will be looking at some amendments and asking some questions in the committee stage.

When people have to make decisions at the time of someone's death in the family, things are moving along pretty quickly and people have to make decisions generally within a few days. It is a difficult time, so the less regulatory framework that people have to deal with the better. Mind you, we need regulation around the whole process of burial. I think there can be a far better way to manage cemeteries, although I am a bit concerned with the notion that after 25 years we might close a cemetery off. Obviously there is a lot of historic value in cemeteries from our ancestors who came out to South Australia, generally as free settlers, and it would be terrible to lose that heritage.

There have been issues in the past where farmers have been operating near old graveyards and just piled up the headstones and just gone straight over the top of a burial ground, which I find appalling quite frankly. So I think there needs to be better regulation of both private and public burial grounds. I know from personal history, when you go searching for who is the relevant authority of a certain burial ground, it can take quite a few phone calls to find out who is in charge because obviously where there once was a church, the church could be a dwelling now and you would have to ascertain whether the council has control of the graveyard or whether it is still in church hands. That might not be a terribly onerous task but I would like to think that there would be a register kept in the future, perhaps under the auspices of this bill if it goes through, so that people can readily identify who is the owner of a graveyard.

I note that the bill differentiates quite a bit in the language between natural burial graveyards—and I applaud that move—in a parkland-type setting where you can have a tree or a bush as a memorial or something else appropriate compared to cemeteries where we are used to rows of graves. I commend the work that the member for Fisher did in this regard on natural cemeteries.

There is no reason—and I can say that from experience—why you cannot have a natural burial in what is normally a standard burial ground. My father-in-law, for instance, was buried in a shroud. I was interested at the time how the family would handle it and it is quite an interesting process where the undertaker has what is essentially a transporter coffin. We had a graveside service. They take the coffin away and there is the body in the shroud. It is not too confronting. It is a very natural way to be buried, and more and more people are perhaps choosing ways like that. He is buried in a cemetery at Willunga with that method. From what I understand, it certainly happened and I guess that they cannot charge him if he did anything illegal (and I am sure it was not), but it certainly can happen. In modern times there are other methods of burial, and things like disposing of bodies using water is mentioned in the bill, and under regulation they can come into force if they become ways for burial in South Australia.

I refer to part 2—Disposal of human remains. Clause 8—Offence to dispose of non-cremated human remains except in cemetery or natural burial ground, states in subclause (1) that, without the approval of the Attorney-General, non-cremated human remains cannot be interred except in a lawfully established cemetery or natural burial ground. The penalties in the bill are \$10,000 or imprisonment

for two years. I will be interested in committee, which we may not get to today but at another time, in clause 8(2), which states:

- (2) A person may inter non-cremated human remains in a prescribed area on land outside a cemetery or natural burial ground with the permission of the owner of the land and—
 - (a) in the case of land within a council area—
 - (i) with the approval of the council for the area in which the land is situated; and
 - (ii) in accordance with the regulations; or
 - (b) in any other case in accordance with the regulations.

That is a pretty wide gamut of approvals one needs to go through, because obviously regulations need to be abided by and council approval obtained. Being a landowner in inside country, and not in out-of-areas country, which probably covers well over 70 per cent of the state, will there will be the opportunity, subject to the appropriate guidelines, for people like myself who own a farming property to be buried on their property, for instance? I am sure there would be appropriate guidelines to go through.

The Hon. R.B. Such interjecting:

Mr PEDERICK: I am raising it in the debate, and I am getting a nod from the Attorney-General that it goes through council, and so on. You can probably do that. That will be interesting because I know there are quite a few people who end up being cremated and have their ashes spread over their land in a certain place where past family members for up to a century have had their ashes spread on the property. That will be interesting.

In the main this bill is certainly heading in the right direction. On this side of the house the Liberal Party's position is that we will be looking at a few amendments, but it is heading in the right direction because it seems odd that there has not been a burial and cremation bill as such in the past, but it has come under several other pieces every legislation. Even though we will be looking at ways to improve the bill in our eyes, I commend its passage through this house.

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