

## Regulation Committee

### Inquiry into Cemeteries and Crematoria Amendment Regulation 2018 Hearing

Friday 21 September 2018

#### Questions Taken on Notice

##### **Question 1 (page 14 of transcript)**

**The Hon. GREG DONNELLY:** Can I interrupt? Respectfully, were you or a nominated person from the land council involved in this consultation that took place in what was, in effect, the very back end of last year?

**Mr HYND:** I would have to take specifically that on notice.

**The Hon. GREG DONNELLY:** Okay. Take that on notice. That is fine.

#### **ANSWER**

The New South Wales Aboriginal Land Council (NSWALC) provided a written submission in response to the publicly available consultation materials on the *Draft Cemeteries and Crematoria Regulation 2017* that occurred in November and December 2017.

##### **Question 2 (page 14 of transcript)**

**The Hon. GREG DONNELLY:** This will be my final question—perhaps take it on notice. Through the land council as described in the answer to your earlier question, would we be able to find out whether any of the other effectively Aboriginal cemeteries in New South Wales were consulted? I do not know their location or those responsible for running those cemeteries. If on notice we can provide a question to you, you might be able to put us in contact with those respective operators of those cemeteries, because I think we would like to be informed about whether they were consulted in this process as well. Thank you.

#### **ANSWER**

NSWALC does not maintain a list of all operational Aboriginal cemeteries in NSW.

We understand Cemeteries and Crematoria NSW maintain records of all cemeteries, including Aboriginal cemeteries.

We are, however, aware of a small number of significant and high profile Aboriginal cemeteries still in use today including Collarenabri Aboriginal Cemetery, operated by the Collarenabri Local Aboriginal Land Council, Burra Bee Dee Aboriginal Cemetery, in the Coonabarabran Local Aboriginal Land Council area, and the Baryulgil Aboriginal Cemetery, operated by the local Aboriginal community. These cemeteries are operated by local Aboriginal communities and are not commercial cemeteries. These cemeteries have been formally recognised and protected under the *Heritage Act 1977* and *National Parks and Wildlife Act 1974*.

We are also aware that La Perouse Local Aboriginal Land Council has negotiated the establishment of a new Aboriginal Cemetery at Botany with the Southern Metropolitan Cemeteries Trust.

**Question 3 (page 15 of transcript)**

**The Hon. MARK PEARSON:** If it is discovered or if it is the case that an Indigenous person is buried in a usual cemetery, is it possible to have a ceremony at that individual burial site to then proclaim it to be an Indigenous burial site, even if it is just one grave?

**Mr CHRISTIAN:** Again I think it is probably—

**The CHAIR:** Would you like to take it on notice?

**The Hon. MARK PEARSON:** I am just looking at protective mechanisms.

**ANSWER**

We note that the *Cemeteries and Crematoria Act 2013* provides that cemeteries, or parts of, may be consecrated for use by particular religious or cultural groups, however we are not aware of any areas of modern general cemeteries being consecrated or set aside for Aboriginal people, other than the newly proposed Botany Aboriginal Cemetery.

In a community and cultural sense, the fact that an Aboriginal person has been interred, automatically makes that site an Aboriginal burial site.

Additionally, we understand that Aboriginal burial sites may be formally recognised under various statutory instruments including the *Heritage Act 1977*, *National Parks and Wildlife Act 1974*, Local Environmental Plans. However, again, we understand that these are generally not automatic protections, but require Ministerial gazettal or other Government approval.