

# Memo

29 Jan 2020

To: Tian Liu, Consultant Planner, Regulatory Services  
([tian.liu@aucklandcouncil.govt.nz](mailto:tian.liu@aucklandcouncil.govt.nz))

cc: Victoria Villaraza, Relationship Manager, Local Board Services

From: Ōtara-Papatoetoe Local Board

---

**Subject: Ōtara-Papatoetoe Local Board's feedback to Ministry of Health's consultation on Review of the Burial and Cremation Act 1964 and Related Legislation'**

## Context/Background

The Ministry for Health is consulting on proposed changes to modernise New Zealand's legislation relating to death, burial, cremation and funerals in New Zealand.  
(Ref. <https://www.health.govt.nz/publication/death-funerals-burial-and-cremation-review-burial-and-cremation-act-1964-and-related-legislation>) Local Boards received information on 20 December 2019 and a copy of Auckland Council's submission on 'The Legal Framework for Burial and Cremation in New Zealand – A First Principles Review'.

## Feedback:

The Ōtara-Papatoetoe Local Board appreciates the opportunity to give feedback comments and notes that:

- the board supports Auckland Council's submission to 'The Legal Framework for Burial and Cremation in New Zealand – A First Principles Review'. The board is supportive for local authorities to retain their regulatory roles over cemeteries and burial services. A key consideration is that as private operators that fold will ultimately need to be taken over by Council's, therefore socialising private losses.
- support the recommendations for consumer protection and price listings which is particularly relevant for many in local communities for whom the cost of burial is a high burden.
- the board agree with the need for stronger legal protection over pre and post-1900 graves. As we move through this century, graves at Manukau Memorial Gardens will become over 100 years old. The issues such as vandalism at Grafton cemetery will become apparent in Manukau.
- there appears to be an issue with the current Act and processes being followed when koiwi are discovered, as outlined in Council's submissions. Therefore, any changes to the Act must be in consultation with mana whenua, or at least allow flexibility, so as to allow both mana whenua processes to be adhered to, while keeping to the principles of any proposed amended Act.
- the board do not support mandatory, limited or renewable tenure. Once this becomes an option, and priced, then poorer families will most likely take the limited tenure option, while those that can afford, will have their loved ones kept there for perpetuity.

The board is informed that officers request board's formal feedback by 5 pm 28 Feb. 2020 to allow time for it to be included verbatim at the end of council's submission. Submissions on this consultation are due to the Ministry on 10 April 2020. It is noted that staff will attend a Auckland Council's Parks Arts Community and Events Committee workshop on 18 March 2020 to discuss council's submission. Local board and Independent Maori Statutory Board feedback will be tabled at the workshop.