

**Date:** Thursday 20 February 2020  
**Time:** 10:00am  
**Meeting Room:** Local Board Office  
**Venue:** 560 Mt Albert Road  
Three Kings

---

## **Puketāpapa Local Board**

# **OPEN MINUTE ITEM ATTACHMENTS**

---

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>14</b>	<b>Puketapapa Local Board feedback on the Review of the Burial and Cremation Act 1964 and Related Legislation</b>	
A.	20200220 Item 14: Local Board feedback into Auckland Council's submission on the government's 'Death, Funerals, Burial and Cremation: A review of the burial and Cremation Act 1964 and Related Legislation'	3





TABLED PAPER 20 February 2020 Puketāpapa Local Board Business meeting  
Item 14: Puketāpapa Local Board Feedback on the  
review of the Burial and Cremation Act 1964 and related legislation

## **Puketāpapa Local Board Feedback on Scattering Ashes on Waterways**

20 February 2020

To be considered by Auckland Council in its response the Ministry of Health's review of the Burial and Cremation Act 1964 and related legislation

---

### **Introduction**

As a local board we value guidance from tangata whenua; the diverse needs of our community; and the importance of protecting and enhancing the natural environment. We also appreciate the sensitivities around the death, and disposal of the body, of a loved one.

Locally, we have seen conflicting views and desires between those who wish to scatter human ashes in waterways, tangata whenua who see this as inappropriate, as well as other stakeholders who have concerns of how this practice impacts the environment and recreation at these locations.

As a local board we would like central government to provide clearer guidance on the development of local authorities' guidelines on the place-based appropriateness of scattering ashes in waterways. This central government guidance should also discuss the role of tangata whenua in the development of any local guidelines as consultation with iwi groups on this topic is very important.

We believe this matter should be prioritised due to its relevance to all of Aotearoa.

### **Discussion: Auckland Council Guidance in relation to the scattering of ashes at Waikōwhai Bay**

Auckland Council's guidelines were highlighted as a good example by the Law Commission in 2015. This is noted in *NZLC R134—Death, Burial And Cremation: a new law for contemporary New Zealand*:

"local authorities should develop guidelines for the scattering of ashes in their region. Local iwi groups must be consulted in this process. Auckland Council's recent guidelines provide a good example."

Although we agree that local authorities should develop guidelines and consult with local iwi groups, we believe Auckland Council's current guidance on the scattering of ashes within waterways needs to be clarified. While this is an issue for Auckland Council to resolve, we believe it is of value for the Ministry to be aware of some of the operational pitfalls in the guidelines and related policies.

The ambiguity within the Auckland Council guidelines is highlighted locally along the Waikōwhai Coast of the Manukau Harbour where some members of the Hindu community use the Waikōwhai Bay to scatter ashes or place artifacts on or near the water. This practice has caused tension between those who undertake this practice and others who use the bay.



TABLED PAPER 20 February 2020 Puketāpapa Local Board Business meeting  
Item 14: Puketāpapa Local Board Feedback on the  
review of the Burial and Cremation Act 1964 and related legislation

The following discussion focuses on how Auckland Council's Cemeteries and Crematoria Code of Practice 2014 and Auckland Council's "Scattering of Ashes" webpage relate to the tension at Waikōwhai Bay.

We do note that a possible future treaty settlement over the Manukau Harbour may provide further clarity or direction on this local issue, however, we hope the following discussion helps contextualise our view that the current guidelines do not provide enough clarity on the scattering of ashes in waterways and that further guidance from central government is needed.

Auckland Council's Cemeteries and Crematoria Code of Practice 2014

An explanatory note on cremations within Auckland Council's Cemeteries and Crematoria Code of Practice 2014 notes that:

"Consideration must be given to the dispersal of human ashes into waterways as it is considered to be culturally inappropriate unless it is in an area specifically agreed to by tangata whenua, like Waikōwhai for example."

This explanatory note does not detail who from tangata whenua agreed to the dispersal of human ashes at Waikōwhai. It also does not clarify the area that should be considered as 'Waikōwhai'. It is not clear whether 'Waikōwhai' refers to the Waikōwhai Coast, Waikōwhai Bay, Waikōwhai as a suburb or another place.

We believe that this ambiguity within the Code of Practice should be addressed. We acknowledge and support the endorsement by the Regulatory Committee of Auckland Council on 11 April 2019 (resolution number REG/2019/20) to update the Code of Practices.

Auckland Council's "Scattering of Ashes" webpage

The Auckland Council "Scattering of Ashes" webpage has a section on waterways and oceans which notes:

"Dispersal of ashes in waterways is culturally inappropriate for Māori, whereas this is a special part of the cultural beliefs of others.  
Speak to tangata whenua (the people of the land) before scattering ashes in the ocean or flowing water.  
Contact us for a list of people that can provide guidance on seeking approval or discuss with your funeral service provider, who will also be familiar with these groups."

When people contact Auckland Council "for a list of people that can provide guidance on seeking approval" for scattering ashes on waterways and oceans they are directed by a customer services representative to Te Puni Kōkiri – Ministry of Māori Development 'for all culturally sensitive enquiries'.

The current process of referring people to a central government agency does not provide Auckland Council any oversight or understanding of subsequent conversations or agreements reached between the inquirer, the central government agency, and tangata



TABLED PAPER 20 February 2020 Puketāpapa Local Board Business meeting  
Item 14: Puketāpapa Local Board Feedback on the  
review of the Burial and Cremation Act 1964 and related legislation

whenua. This lack of information can cause issues when Auckland Council is then asked to comment on subsequent conflicting interests at council owned locations (such as Waikōwhai Bay).

Additionally, it is not clear in this process whether approval of one instance of scattering ashes from tangata whenua opens a location up for further occasions of this practice. If Council's response to queries on scattering ashes is to direct people back to a central government agency, then local authorities should be better informed of how the Ministry deals with these queries and any outcomes reached.

We believe that the process of requesting approval from tangata whenua needs to be improved and we acknowledge Auckland Council's Governing Body did resolved on 28 March 2019 (resolution number GB/2019/22) to:

"request the Chief Executive to instruct the appropriate council department/s to develop and report on a process to progress the discussion between council, mana whenua and other cultures on the matter of ash scattering and artefact placement on or near watercourses and marine areas to the Environment and Community Committee by June 2019."

### **Conclusion**

Ultimately this issue is one that will be resolved through conversations and understanding between cultures. It is a matter that affects all of Aotearoa and collaboration is the only way forward.

We hope that the examples discussed above highlight a need for clearer guidance from central government on the development of local guidelines for the scattering ashes in waterways. We also acknowledge that Auckland Council is aware that the current guidance on this issue needs to be improved (as highlighted by the Regulatory Committee and Governing Body resolutions from 2019).

The Puketāpapa Local Board requests further clarity from central government on the process for those seeking to scatter ashes in waterways. We hope that central government, local authorities, tangata whenua and stakeholders are able to come to a shared understanding of what is appropriate when and where.