

Deaths, funerals, burial and cremation

A review of the Burial and Cremation Act 1964 and related legislation consultation document

Society of Local Government Managers – October 2020



WHAT IS SOLGM?

The New Zealand Society of Local Government Managers (SOLGM) thanks the Ministry of Health for the opportunity to submit on the Death, Funerals, Burial and Cremation Consultation Document.

SOLGM is a professional society of approximately 890¹ local government chief executives, senior managers, and council staff. We are an apolitical organisation that can provide a wealth of knowledge of the local government sector and of the technical, practical and managerial implications of legislation and policy.

Our vision is:

Professional local government management, leading staff and enabling communities to shape their future.

Our primary role is to help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of the management of local authorities from the provision of advice to elected members, to the planning and delivery of services, to the less glamorous but equally important supporting activities such as election management and the collection of rates.

¹ As at 30 September 2020.

PART ONE: GENERAL COMMENTS

The consultation document proposes wide-ranging changes to the *Burials and Cremations Act 1964*. The current legislation has aged and we support its review for it to provide dignity in death and improve our well-being. This submission has been prepared in collaboration with Local Government New Zealand, the Parks Leaders Forum and a number of our members.

The purpose of Local Government² is to promote wellbeing in the present and for the future. We take this opportunity to support our communities to transition to 21st century living. We have greater cultural diversity than ever before and we support improving society's interconnectedness and social interactions. Our submission supports change for our communities to transition to low emissions and low waste through policy changes that provide for sustainable body disposal.

We propose that an overall strategy for death, funerals, burials and cremations be developed which includes Te Tiriti o Waitangi interests and that it encompasses the following:

- Medical control over death certification, prevention of the spread of disease, correct disposal of implants and prosthetics
- A professional funeral sector which is regulated
- National register for burials, cremations, and future body disposal methods
- Land for interments (cemeteries, urupā and burial grounds): including sustainable use of resources
- Types of interments (bodies, ashes, placenta)
- Cemetery management
- Disinterments
- Cremations: including sustainable use of resources.

The medical sector has an important role in administering the *Act*, and we support having its continued expertise for death certification, management of disease control and the correct disposal of implants and prosthetics.

We support regulation of funeral directors to improve the economic, social and cultural well-being for communities. The sector is currently unregulated and we agree with the Law Commission report that consumer protections are inadequate to protect against service and pricing irregularities. Service failures can have large effects, e.g. incorrect labelling of bodies resulting in incorrect people being buried. Bill-shock adversely affects economic well-being, and in particular the financially vulnerable. Therefore, we support full disclosure of funeral prices.

We propose there be a national register to record burials, cremations, and future body disposal methods to assist people find graves or other remains of relatives easily. A national register will streamline the process in a way that befits 21st century technology and consumer expectations.

We propose that there be a clear legal definition for all burial land, which includes cemeteries, urupā, and trustee burial grounds. Cemeteries have land titles of parks, reserves or other land types. We ask that land be clearly delineated which will assist with cemetery planning and in particular, will protect the different functions of parks and reserves within an overall framework.

² *Local Government Act 2002: s3(d)* for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.
<http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM170879.html>

We ask that the strategic framework include interment of bodies, ashes, and placenta. Interment is required for all of these remains and national guidance is welcomed. In practice, where private or trustee interment land fails or becomes disputed over time, local authorities become the underwriter for financial help and resolving contention. We propose, therefore, that going forward, local authorities be the only entities responsible for interments and operating facilities.

We ask that for ash interments, there be some national provisions for unclaimed ashes. However, local authorities need to be able to consult with their communities and create their own local policies and bylaws to regulate ash disposal where there are issues. Ash scattering would be an unlikely matter to be regulated under the *Resource Management Act* because of the low physical impact on land or water, and the high administrative costs. We do not support the use of the RMA for ash disposal decisions.

Placenta disposal is subject to cultural concerns whereby land can be deemed tapu where placenta are buried, deeming it unsuitable for any other uses. Therefore, we ask that interment of placenta be included in the framework to assist with Te Tiriti o Waitangi interests and sustainable use of land.

With regard to burial interments, there are resourcing issues with some trustee burial grounds, and urupā. Financial difficulties arise, particularly once a site is full and no longer earns income from burials. The burial costs remain in perpetuity. We do not support that local authorities take responsibility for these sites without governmental financial support because of the long-term service demands on council resources.

Our view is that the current local government facilities for cemeteries are providing a safe, satisfactory service. Costs are managed through rating income, burial revenue, and volunteers who maintain monuments and graves. We do not support a national imposition of minimum standards for maintenance of monuments or graves. Minimum standards would create significant costs for local authorities which they cannot afford without a governmental or other funding stream.

We support the proposal that local authorities could approve crematoria under existing building and environmental legislation without the duplicate need of approval from the Ministry of Health.

PART TWO: SPECIFIC MATTERS

In this section we provide comments on specific provisions in the Consultation Document and other issues (such as matters that may have been omitted from the Consultation). We also note that our comments in this section are subordinate to our general comments.

Proposed overarching duties regarding the disposal of bodies

CONSULTATION QUESTIONS	
1	Do you agree that there should be a general duty on everybody to 'treat any dead human body or human remains with respect'? If not, why not?
2	Do you agree that any breach of this duty should be an offence punishable by infringement notice, or, on conviction, by a fine? If not, why not?
3	Do you agree that there should be a requirement that the person who has the duty to dispose of the body must do so without undue delay, including considering the mourning needs of the bereaved, any ceremonies to be performed, tikanga or other cultural practices, and any other relevant considerations (such as police investigations)? If not, why not?
4	Do you agree that any breach of this duty should be an offence punishable by infringement notice, or, on conviction, by a fine? If not, why not?

We agree that it is a core expectation and good that the deceased are treated with respect and that this is one of the values in our society. We further agree that there should be a general duty on everybody to treat the deceased or human remains with respect.

We take cognisance of the Law Commission report³ that it is an offence under *section 150* of the *Crimes Act 1961* to improperly or indecently interfere with or offer any indignity to any dead human body or human remains. Very few prosecutions have ever occurred under this section and the only punishment available is imprisonment.

We note that the Law Commission's concerns are related primarily to storing dead bodies inappropriately, failing to properly embalm a body, treating a body in a way that causes significant cultural offence and stealing an item from a coffin. The opportunity for being able to commit these offences primarily sits with funeral directors. A greater responsibility and duty of care is placed upon those with training and qualifications to deal with bodies on a daily basis. Therefore, medical staff and funeral directors have a higher expectation on them than the public at large to treat any dead human body or human remains with respect. The general public do not have many opportunities to handle dead human bodies or human remains.

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³ PageS 147-148

There have been circumstances where different family members have not come to an agreement about the funeral arrangements, thereby causing a delayed funeral. Such disputes are complex. We agree that the wording about body disposal being done “within a reasonable time”, be changed to “without undue delay”, and that it would give more assistance as to meaning in the context of family disagreements.

The wording change would also be helpful in any instance where funeral directors were not acting on instructions in an appropriate timeframe. We support infringement fines for failure to dispose of a body without undue delay.

Recommendation

1. That:
 - a. body disposal occur without delay
 - b. regulation be updated to include infringement fines.

Death certification and auditing

We do not submit on the particulars of the death certification and auditing systems in questions 5 to 14.

Regulation of the funeral services sector

CONSULTATION QUESTIONS	
15	Do you agree that there are issues that could be improved with the funeral services sector? Are you aware of any other problems?
16	Can you provide any evidence about the size or extent of the problems in the funeral service sector?
17	What do you think about the options identified for regulating the funeral services sector? Do you want to suggest any additional options? If so, please provide the reasons for your alternative options.
18	Do you agree with the impacts of the options identified for regulating the funeral services sector? Why/why not? Can you suggest other likely impacts from the four options?
19	Can you provide any information to help the Ministry gauge the size of any potential impact, cost or benefit that would affect you?
20	What is your preferred option for regulating (or not) the funeral services sector? Please provide the reasons for your view.
21	What do you think about the options identified for better informing consumers about the cost of funeral services? Do you want to suggest any additional options? If so, please provide the reasons for your alternative options.
22	Do you agree with the presented impacts of the options regarding better informing consumers about the cost of funeral services? Why/why not? Can you suggest other likely impacts from the three options?
23	Can you provide any information to help the Ministry gauge the size of any potential impact, cost or benefit that would affect you?
24	What is your preferred option for ensuring that consumers are fully informed of the component prices of funeral services? Please provide the reasons for your view.

General comments

One of the purposes of local government is to promote community well-being in our society. We support the delivery of fit for purpose services, including those for death, funerals, burial and cremation, within a quality assurance framework.

We agree that there are issues that could be improved in the funeral services sector. Despite public expectations, a funeral director currently does not need to hold any qualifications. There are no mandatory duties for funeral directors to keep records of the deceased, the identity of bodies, supervision of staff or length of time unclaimed ashes are kept. There is widespread public concern about the lack of disclosure of component prices of funeral packages.

The preferred view of the Ministry of Health is to keep the status quo in funeral sector regulation in the absence of empirical evidence. We differ and use the Law Commission's report as the source of information for the following discussion. We note that the Law Commission has identified issues in the funeral service sector through a variety of sources. Policy reform can and frequently does occur in the absence of numerically significant data, level of granularity or randomised controlled trials (RCTs). We appreciate that some sectors, such as those doing scientific study and the health sector, may find comfort in RCT data. However, judgement is required on matters of materiality for policy reform.

The Law Commission found there were a sufficient number of material breaches of standards and operating procedures, along with market conditions not present in other sectors, to recommend reforms. We concur with their expertise and recommendations for change.

Regulation of funeral directors.

We support option 4 in the consultation document to adopt all of the Law Commission's recommendations that funeral directors be trained, be of good character and be subject to disqualification. This would regulate funeral directors and fully address the consumers' issues identified. Option 4 puts the onus on the professional funeral director to serve the public fairly and responsibly.

Price disclosure

The cost of a funeral is often the third most expensive purchase that many people will make. For such a rare and expensive decision, people need to have easy access to costs, options and price comparisons. People also require access to the information quickly due to the requirement to complete a funeral without "undue delay".

There is no other life decision that compares to the funeral demands of extremely high cost (to most people) and very short decision-making window (of hours not days). In academic terms, expenditure of this amount is generally considered to be a "high involvement" decision. The sort of decision where people like to gather up a large amount of information, weigh up options, alternatives and prices before making a decision. However, with funeral arrangements, time is not available and people have make rushed decisions in order to bury their loved ones in a timely manner.

We support option 3 in the consultation document which is to have mandatory disclosure of component funeral prices. This is the only option which has sufficient drivers to properly correct the sector. Funeral service suppliers would no longer be able to surprise people with a large bill because all consumers would have full ability to shop for pricing and service comparisons before engaging a firm. The sector could choose whether to pass increased regulatory costs onto their financially vulnerable customers or absorb them into running costs.

Local authorities

Local authorities hold registers of funeral directors. Should the profession be regulated, the register would be transferred to a central agency. Local authorities will incur a reduction in income because fees will be payable to central government rather than local government. However, local authorities will still require access to the list for civil defence emergencies and pandemics so will still have some administrative expenses to do this.

Improvements to financial and societal well-being

The benefit to consumers and their communities is that they will be empowered to make properly informed cost-effective choices and will have access to remedies when things go wrong. Funeral directors may choose to absorb their regulatory expenses rather than pass them on to vulnerable clients.

Environmental well-being

Consumer demand for environmentally sustainable funerals is growing. Transparency of options and prices will support a shift away from the traditional funeral market and empower consumer driven options. We support changes which will increase consumer demand and the trend toward sustainable funerals.

Summary

A fully trained and regulated funeral director sector is an important part of death, burial and cremation regulation and we submit that full-price disclosure for funerals and recourse to remedies when things go wrong will improve the social, economic, environmental, and cultural well-being of communities. Further, this is an important element in a successful strategic framework.

Recommendation

2. That:
 - a. Funeral Directors be required to provide full pricing of all their services, as in option 3
 - b. there be a regulatory oversight of the funeral sector.

Burial and cemetery management

CONSULTATION QUESTIONS	
25	Do you agree that there are issues that could be improved with the current framework for burials and cemetery management? Why/why not? Are there any other problems?
26	Can you provide any evidence about the size or extent of problems outlined about the current framework for burials and cemetery management?
27	What do you think about the options identified regarding a new framework for burial and cemetery management? Do you want to suggest any additional options?
28	Do you agree with the impacts of the options identified regarding a new framework for burial and cemetery management? Why/why not? Can you suggest other likely impacts from the three options?
29	Can you provide any information to help the Ministry gauge the size of any potential impact, cost or benefit that would affect you?
30	What is your preferred option for a new framework for burial and cemetery management? Please provide the reasons for your view.

Land for interments – body and placenta burials

Development of a strategic framework for land sustainability

We agree that the *Act* has aged and many issues need updating. However, we add that there is a lack of an overall infrastructural strategic framework which needs to be addressed. A coherent framework is needed to provide for land and environmental sustainability, Te Tiriti o Waitangi, cultural well-being and funding for closed cemeteries. We recommend that all cemeteries, burial grounds and urupā be included in the framework.

Iwi have specific intergenerational interests which are distinct from European or other cultural interests. However, we all have ancestor interests which are important and need to be treated respectfully. We submit that cultural interests and Te Tiriti o Waitangi principles be included in the framework.

The right to burial in perpetuity means that once a cemetery is closed it cannot generate income. Although some families stay in the same area or property throughout many generations, there are also many who are transient and will not continue to support burial grounds. When intergenerational interests flounder, new trustees may not be able to be recruited and the cemetery fails financially. Once they are in this predicament, local authorities are expected to step in and pay to manage and maintain them. These are significant costs for councils, who do agree to some of these requests.

Given that most burials are in perpetuity, private cemeteries may exist for centuries and maintenance costs will be substantial over time. Burial in perpetuity is a societal good, and financial solutions to provide upkeep requires a whole of government strategy .

Regional councils

We do not oppose regional councils opening cemeteries provided regional parks are protected from becoming cemetery land. Land sustainability and legal distinctions between parks and cemeteries needs to be part of the overall framework to protect both parks and cemeteries.

Farm burials

Farm burials in particular can become contentious. Burials on family land assert a presence on the land and save money on funeral costs. However, the timescale of owning land is not consistent with the timescale of burial in perpetuity. Farm burials result in having hundreds of isolated, small burial sites and is not a sustainable land practice due to issues of long-term maintenance and changes of land use. Local authorities become responsible where farm burials fail over time. We do not support farm burials and propose that they be prohibited.

Trustee burial sites

Of concern to local authorities is that trustee burial sites require public maintenance and decision-making once intergenerational interests have vanished, however, the land asset continues to be held privately. The situation creates a mis-match between private rights and public responsibility. Our recent history attests to situations where local authorities have been propelled to acquire encumbered and unusable sites once they have become financially unviable or contentious.

Placenta burials

Placenta burials have also been found to be contentious, conferring land tapu and unable to be used for purposes other than burial. Therefore, we ask that placenta burials be included in the framework to protect Te Tiriti o Waitangi interests and for the sustainable use of land.

Disinterments of whole sites

We concur with the LGNZ submission that disinterments of whole sites for the repurposing of land remain with the Ministry of Health due to disease concerns. However, land use is also a sustainability issue and repurposing of land is complex with family, cultural, societal, financial and opportunity costs to be considered. We recommend that disinterments of whole burial sites be part of the framework.

Funding

We recommend that there be government funding to maintain failed trustee and farm sites where they provide a societal good but the social mandate for maintaining them has disappeared. Due to the long-term costs to local government, we recommend that going forward local authorities be the only entities responsible for burial, (aside from urupā sites).

However, at a minimum, we support the LGNZ proposal that any "new non-local authority cemetery be required to provide a bond to the relevant local authority to compensate communities for the cost of future maintenance should the cemetery fail at some time in the future."

Recommendation

3. That:
 - a. There be a strategic framework for burial be developed that includes:
 - i. Te Tiriti o Waitangi principles
 - ii. cultural well-being
 - iii. cemetery land classification for all cemeteries, urupā and burial grounds including farm burials
 - iv. interments of bodies and placenta (ashes also, but detailed in the cremation section)
 - v. disinterments of whole sites
 - b. government funding for financially failed burial sites (a national good needs a national funding system).

Cemetery management – policies

We support the proposal that councils put cemetery policies in place which set out standards, rules and future planning. We support the LGNZ proposal for policy formation, that they include at a minimum:

1. Maintenance standards (including monument management)
2. The provision of separate burial areas within the cemetery
3. The opening hours of the cemetery and hours that burial services can be carried out
4. Whether some plots are sold for limited tenure, and the bones later disinterred or buried deeper
5. Monumental and memorial specifications where applicable
6. How burials will be carried out (interment)
7. How disinterment will be carried out
8. How records will be kept
9. Future plans.

Maintenance of graves and monuments

Maintenance of cemeteries comes with a cost to families and communities. Families and volunteer groups maintain graves and monuments at their own cost. We support having more clarity around which volunteer groups could be approved to safely carry out maintenance, thereby reducing the need for them to get approval from the deceased's representatives. Obtaining permission becomes more and more onerous the older a site becomes because the deceased's representatives become harder to trace.

We do not support minimum standards of maintenance for graves or monuments. An introduction of minimum standards would create an unintentional removal of volunteer incentives, absolve interest groups of their current maintenance responsibilities, and increase costs for councils. We support incentives for community participation in the upkeep of graves and monuments.

As the Law Commission observed there may not be a social mandate to actively maintain sites:

“[Depending on public attitudes], the law may be required to ensure burial sites are actively maintained and their heritage and amenity values protected, or it might impose a much less onerous obligation to leave the land undisturbed and refrain from interfering with the monuments and graves.”

Territorial authorities have asset management plans which set out the level of maintenance and the cost to ratepayers for burial in perpetuity. Councils must be able to consult with their communities about the level of cemetery maintenance and the cost that the community is prepared to spend on them. We recommend that decisions on monument and grave maintenance remains with local authorities and their communities.

Provision of separate burial areas within the cemetery

We agree that there needs to be a recognition of ethnic and religious diversity for burial and body disposal. Many local authorities have policies in place which set out provisions for separate burial areas. We recommend that councils determine their own separate burial areas in accordance with their community needs.

Single disinterments

The Ministry of Health approves disinterments for health reasons, however, cemetery managers are involved in the process. We recommend that that no changes be made to the individual disinterment process which generally appears to work well for local authorities.

Sustainable land use – shifting trends

There is a shift towards non-perpetuity types of body disposal as evidenced by the increase in cremations. There is also a shift towards sustainable land use through eco-burials. There may be future trends of short-term tenure and we recommend that the legislation be able to accommodate these trends.

Sustainable land use – ground water contamination

We do not support that any burial ground be exempt from the environmental regulations of the *Resource Management Act*. There are known health risks that ground water can be contaminated by human remains. Climate change considerations also need to be taken into account, e.g. coastal land may be subject to greater erosion or sea level rise. Therefore, we also do not agree with the Law Commission’s recommendation (number R70) that burials on private rural land of fewer than five people be exempt. The current water reform in New Zealand is concerned with having better management of risks to source water.

Embalming fluids can be ground contaminants. There may be advances in embalming technologies which break down naturally. We recommend that there be changes which would better support sustainable embalming without pollutant chemicals. This would support the trend towards eco burials and our transition towards 21st century living.

The need for a national burial register

The current situation for recording burials is that every cemetery or burial ground keeps its own register. Every council has a cemetery manager who keeps the register for their own council records and provides a public service to those enquiring as to where their family members may be buried. Councils need to keep their own records for their own cemetery management purposes. From a consumer’s perspective finding a grave site is cumbersome. It involves searching multiple

databases from councils and private burial grounds because there is no central register. Genealogy is a growth industry and council staff are spending ever greater amounts of time in answering burial queries using a nationally inefficient recording process.

We propose that the strategic framework include a national burial register be developed to assist people find graves of relatives easily and streamline the process in a way that befits 21st century technology and consumer expectations.

Other matters

Handling bodies and control of disease

Local authority staff handle coffins but never open them or handle bodies. We do not support any proposals for council staff to provide services which would require these functions. Handling of bodies lies with the funeral and health sectors who have the responsibility for ensuring their own safety and public health safety when doing so.

Misaligned with modern legislation

We support that the *Act* needs to align with the *Local Government Act* and the *Resource Management Act*.

Recommendation

4. That:
 - a. the strategic framework for burial includes:
 - i. A national register for burials (and other body disposal methods)
 - ii. single disinterments
 - iii. sustainable burial methods, e.g. eco burials, short-term tenure
 - iv. sustainable ground water, e.g. compliance with RMA land use, non-contaminant embalming methods
 - b. there be national clarity around which volunteer groups have approval for monument maintenance
 - c. cemeteries have policies which includes at a minimum:
 - i. maintenance standards (that local authorities develop their standards for monument and grave maintenance in consultation with their communities)
 - the provision of separate burial areas within the cemetery
 - the opening hours of the cemetery and hours that burial services can be carried out
 - whether some plots are sold for limited tenure
 - monumental and memorial specifications where applicable
 - how burials will be carried out (interment)
 - how disinterment will be carried out
 - how records will be kept
 - future plans
 - d. the handling of bodies remains with the health and funeral sectors
 - e. there is legislative alignment with the *Local Government Act 2002* and the *Resource Management Act 1991*.

Cremation regulations and the medical referee system

CONSULTATION QUESTIONS	
31	Do you agree that there are issues that could be improved with the current cremation or medical referee systems? Are you aware of any other problems?
32	Can you provide any evidence about the size or extent of such problems outlined with the cremation or the medical referee systems?
33	What do you think about the options identified regarding the reform of cremation and crematorium management? Do you want to suggest any additional options? If so, please provide the reasons for your alternative options.
34	Do you agree with the impacts of the options identified regarding the reform of cremation and crematorium management? Why/why not? Can you suggest other likely impacts from the two options?
35	Can you provide any information to help the Ministry gauge the size of any potential impact, cost or benefit that would affect you?
36	What is your preferred option to modernise the regulations for cremation in New Zealand? Please provide the reasons for your view.

Approval of crematoria

We support the proposal that local authorities could approve crematoria without the duplicate need of approval from the Ministry of Health. The Ministry of Health have stated that its approval process does not add additional value and the requirement is no longer needed.

Territorial authorities regulate land use and regional authorities regulate air quality, amenity and environmental effects under the *Resource Management Act (RMA)*, and in this regard have responsibility for the planning approval of crematoria. We agree that the Ministry of Health process unnecessarily duplicates the provisions of the *RMA*.

Crematoria operations and regulation

The operation of crematoria requires trained operators to ensure respectful handling of coffins, run equipment and operate to a standard of health and environmental safety. Local authority staff do not open coffins or handle bodies.

The regulation of the handling of bodies needs to be performed by those who have expertise in the area, namely health professionals or via regulation of the funeral director sector. We do not support the proposal that this is a suitable function for local government.

Environmental health officers in local authorities inspect funeral homes for cleanliness of premises, ventilation and lighting, washing facilities, drainage and toilets, personal hygiene and clothing, disinfection procedures, storage of products and vermin/insect control. We agree that they could also inspect crematoria premises against the same standards. We propose that the legislation provide for local authorities to recover costs of crematoria environmental health inspections.

Approval of outdoor cremations

We do not support local authorities being responsible for regulating outdoor cremations. Outdoor cremations are the custom for some forms of the Buddhist faith and some other religions. Approval

of an outdoor cremation currently sits with a medical officer of health who assess risks of offence, injury, smoke, spread of fire, adequacy of fire, explosion of devices within the body and restoration of the site following the cremation. Local authorities cannot regulate any of these matters.

We submit that the matter of handling the body respectfully and assessment of public offence requires professional expertise. Handling dead bodies, cultural respect and health impacts should remain either with the public health system or move to a regulated funeral sector.

Fire permits

Fire regulation falls legislatively to the Fire Service New Zealand to assess and issue fire permits.⁴ We do not support any proposal for local government to regulate fire permits.

Ashes

We support the proposal for clear criteria for cremators and funeral service businesses for the scattering of ashes.

Iwi have cultural safety concerns about the scattering of ashes where they collect kai moana and there may other concerns that we are unaware of. The current *Act* does not have any alignment with the principles of Te Tiriti o Waitangi and we submit that this be added in.

Local authorities need to be able to consult with their communities and establish their own guidelines, policies or bylaws for the scattering of ashes in their regions.

Sustainability – carbon emissions

Crematoria produce carbon emissions. New Zealand has an obligation to reduce carbon by 2050, and we submit that crematoria reduce smoke and gases as crematoria technology advances. We further submit that caskets for crematoria be constructed with less embodied carbon.

Recommendation

5. That:
 - a. any necessity to open coffins or handle the deceased remains with funeral directors or health professionals
 - b. local authorities do environmental health regulation of crematoria provided they are able to recover the costs of their inspections
 - c. outdoor cremations are regulated by the health sector, funeral sector and fire service
 - d. there be clear criteria for cremators and funeral service businesses for the scattering of ashes
 - e. local authorities be able to consult with their communities to establish their own guidelines, policies or bylaws for the scattering of ashes
 - f. the revised burials act incorporates the principles of Te Tiriti o Waitangi
 - g. crematoria reduce their carbon via reducing emissions and embodied carbon in coffins.

⁴ *Fire and Emergency New Zealand (Fire Permits) Regulations 2017*
<http://www.legislation.govt.nz/regulation/public/2017/0101/latest/DLM7249340.html?src=qs>

Reform of the medical referee system

There are specific risks related to body disposal by cremation. The body is reduced to ash, therefore special regulations and approvals are in place to mitigate the risk of premature destruction of evidence of criminal wrongdoing. Our submission supports the ongoing purpose of the current legislation with regard to criminal activity to prevent the destruction of evidence of criminal wrongdoing during body disposal. This activity is the responsibility of medical doctors and police. We acknowledge that there could be simplification of the checking, oversight and audit process whilst still maintaining the integrity of the system.

New methods of body disposal

CONSULTATION QUESTIONS	
41	Are you aware of any particular new methods of body disposal that could be made available in New Zealand? Please describe the process and the risks and benefits you see with the process.
42	Do you agree with the issues outlined regarding new methods of body disposal? Are you aware of any other problems?
43	What is your preferred option to regulate new methods of body disposal? Please provide the reasons for your view.
44	What do you think about the options identified for regulating new methods of body disposal? Do you want to suggest any additional options?

Alkaline hydrolysis is available in the UK and also in a number of states in the US. We have no view on the merits or risks of the process except that it is an approved method of body disposal in those countries with claims of it being a "green" technology with low waste and low emissions compared to cremation. We support environmentally friendly technologies provided they are respectful and provide the adequate duty of care to the deceased and bereaved. Furthermore, we submit that they need to accord with Treaty considerations and tikanga Māori.

Short-term tenures burial tenures are available in other countries. For example, burial is for a period of 20 or 50 years, after which the bones are either disinterred or buried lower, and the plot reused. We support sustainable land use for cemeteries and note that this offers sustainability. However, we note that such a change may be challenging to our current burial methods.

We agree with the consultation document that the current legislation is not explicit about whether new methods of body disposal are allowed or not. Therefore, funeral providers cannot be certain whether it is legal to offer new methods of body disposal.

We agree with the proposal to legislate body disposal methods via the regulations (option 2 in the consultation document). Once a method was approved and added to the regulation, the sector would have certainty about its legal status. Operators may still require resource consents under the *RMA* to operate new technology, if there are environmental effects to water, air and land.

Recommendations

6. That there be provision in the legislation for new methods of body disposal provided they are respectful, provide the adequate duty of care to the deceased and bereaved, and accord with Treaty considerations.
7. To note that resource consents may be required if there are environmental effects to water, air and land.



Professional excellence in local government

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