

9<sup>th</sup> May 2020

Death, Funerals, Burial and Cremation: A Review of the Burial and Cremation Act 1964 and Related Legislation  
Ministry of Health  
PO Box 5013  
Wellington 6140

Via email to: [burialandcremation@moh.govt.nz](mailto:burialandcremation@moh.govt.nz)

Dear Minister

## CONSULTATION ON CHANGES TO THE BURIAL AND CREMATION ACT 1964

Thank you for the opportunity to comment on the Death, Funerals, Burial and Cremation: A Review of the Burial and Cremation Act 1964 and Related Legislation, as released by the Ministry of Health in November 2019. In making this submission, we have generally limited our response to those aspects of the proposals which overlap with Hawke's Bay Regional Council's (HBRC) regulatory functions.

### Submission Summary

HBRC **broadly supports** the outcomes sought from this legislative reform and its focus on reducing complexity whilst improving the management of death, funerals, burial and cremation. Our comments generally relate to the lack of integration of the proposed measures with the Resource Management Act 1991 (RMA) and the process by which effects to the environment are assessed. Set out below are detailed responses to the questions identified in the discussion document. Also enclosed is a completed submitter profile form.

### Question 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?***

HBRC opposes option two which provides for the burial of up to five bodies on private land without resource consent. We feel that the criteria, as specified in footnote 61, are less stringent than the relevant Resource Management Act (RMA) and use language different to the RMA which is not defined. It is our concern that these issues could lead to adverse environmental effects and therefore resource consent should continue to be required.

HBRC supports option three due to the maintained requirement for a resource consent, and the associated assessment of environmental effects that it would need to occur.

#### Question 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?***

Whilst HBRC supports the proposed measures to increase options around burials, the environmental effects of the proposed options would need to be assessed and acted on appropriately to ensure that no adverse effects to the environment occur.

#### Question 30

***What is your preferred option for a new framework for burial and cemetery management? Please provide the reason for your view***

HBRC prefers option three as it provides a modern simplified framework for burial and cemetery management while allowing for increasing choice that aligns well with the RMA. However, any potential legislation would need to clearly articulate the requirements for land use consent from the relevant territorial authority **as well as** land use and/or discharge consents required from relevant regional councils. Currently the proposal omits to mention the potential need for consents from regional councils and only specifies those relating to territorial authorities.

#### Question 42

***Do you agree with the issues outlined regarding new methods of body disposal? Are you aware of any other problems?***

HBRC supports the opportunity for new disposal facility methods but notes that there may be requirements for relevant regional consents that need to be considered, particularly in relation to potential discharges.

The Regional Council's address for service in relation to this submission is;

Hawke's Bay Regional Council  
159 Dalton Street  
Private Bag 6006  
Napier 4142  
Attn: Nichola Nicholson  
Phone 06 835 9200 ext 8026  
Email: nichola.nicholson@hbrc.govt.nz

Should you have any queries with regards to the content of this submission please contact, as above.

Yours sincerely



**Nichola Nicholson**  
**Policy Planner**

**Strategic Planning Group**

Phone: (06) 835 9200

Email: [nichola.nicholson@hbrc.govt.nz](mailto:nichola.nicholson@hbrc.govt.nz)

Attached: Submitter Profile

# About you

Your submission and any correspondence you send to the Ministry may be requested by a third party under the Official Information Act 1982 (OIA).

If somebody requests information from your submission under the OIA, we are obliged by law to handle such information in accordance with the OIA. In many cases, this means that we will release your submission and supporting information to the person who requested it unless there is a justifiable reason for withholding this information under the OIA.

If you consider that any part of your submission could be withheld under the OIA, please make this clear in your submission, noting the reasons why you think the information ought to be withheld (eg, you may consider some information to be commercially sensitive).

<b>Question 1:</b>	<b>What is your name and contact details?</b>
	Hawke's Bay Regional Council 06 8359200 Private Bag 6006 Napier 4142

<b>Question 2:</b>	<b>Are you responding on behalf of a group or organisation, or as an individual?</b>
	<input checked="" type="checkbox"/> Group or organisation <input type="checkbox"/> Individual
	Specify what type of group or organisation: Hawke's Bay Regional Council

<b>Question 3:</b>	<b>Are you a member of the funeral service sector?</b>
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, specify what capacity:

<b>Question 4:</b>	<b>Are you responding on behalf of a local or regional council?</b>
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, specify which council: Hawke's Bay Regional Council

<b>Question 5:</b>	<b>Are you responding on behalf of a veterans' organisation?</b>
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, specify which organisation:

<b>Question 6:</b>	<b>Do you identify as Māori, Pacific, Asian, Pākehā/European or other?</b>
	<input type="checkbox"/> Māori <input type="checkbox"/> Pacific <input type="checkbox"/> Asian <input type="checkbox"/> Pākehā/European
	<input checked="" type="checkbox"/> Other   Please specify: Not applicable

<b>Question 7:</b>	<b>Are you a member of the disabled community?</b>
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

