



## **Eastern Bay Villages Te Kokoru Manaakitanga**

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### **Submission to the Review of the Burial and Cremation Act 1964 and Related Legislation**

#### **Introduction to our organisation**

Eastern Bay Villages/Te Kokoru Manaakitanga is an Eastern Bay of Plenty community development organisation run by seniors/pakeke, supporting one another to stay well as we age. We have a two whare structure, with Tāngata Tiriti and Tāngata Whenua co-chairs and coordinators.

Many members have been concerned by aspects of the funeral industry, so I (Ruth Gerzon, co-ordinator) have been tasked with setting up mechanisms that enable whānau to remain in charge of the processes, with the support of funeral guides. Our mission is to

*Support choice: providing guidance on family led, affordable  
and eco-friendly funerals/tangihanga in the Eastern Bay of Plenty*

We plan an affordable service to be run as a non-profit charitable trust. We already have a small grant and have begun to set up. We will not have premises but will support whānau to care for their tūpāpaku in their own homes, churches or marae. We are concerned that some of the regulation options that have been suggested and supported by the funeral industry and Law Commission in this review may prevent us from carrying out our plans.

From 29 October to 8 November there were three separate hui held to discuss using more traditional practices for funerals/tangihanga. On 29 October, in Te Kaha, 22 people, from each of the hapū of Te Whanau-a-Apanui, shared ideas on how they have already begun to care for their own, using traditional practices. On 31 October, in Whakatāne 45 people already supporting families to care for their own came from many parts of the country to share ideas and work to make new options available to all. On 8 November, in Te Teko, weavers and builders of puhirere shared their skills with over 50 participants.

In Appendix One we attach photographs taken at these hui that showing both traditional practices and the Atamira Matao (cooling pad).

We discussed the review at these hui and many participants signed a one page submission that affirms their wish to continue to have the right to care for their own. These are attached in Appendix Two.

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There is a clear groundswell of people seeking to return to traditional funeral practices, among both Māori and Tauīwi. It is essential that people are enabled to continue to develop these whānau led practices that are more healing, more eco friendly, more affordable. We attach photographs of these three hui.

### Submission

#### Criteria

We contend that the wording of Criterion 4 needs to be strengthened in order to fully reflect Te Tiriti o Waitangi and the growing cultural diversity in Aotearoa/New Zealand. We suggest the following amendment:

*Any changes to the law must honour the intent of Te Tiriti o Waitangi and enable expression of tikanga Māori, other cultural or religious practices of all ethnicities, as well as the dignity of the deceased and those who remain.*

#### Section B: Regulation of the funeral services sector

##### 1. Cultural changes

Dying, once was viewed as natural and expected in Europe and in Aotearoa. Yet European/Pākehā culture has brought forth an industry of professionals with the responsibility to provide after death care. This removes death as a natural part of life, making people more fearful of death, of dead bodies. Reclaiming traditional rites of death and burial, with family led processes and community involvement, enables a deeper expression of grief. With it also comes a greater understanding our own mortality, an essential aspect of who we are as human beings.

We see the cultural contexts of funerals/tangihanga as rapidly changing. Many families/whānau want to care for their own, harking back to traditional practices before the rise of the funeral industry.

For Māori this is part of the process of decolonisation, as former practices and rites are remembered and reclaimed. In our area people are weaving whāriki to wrap tūpāpaku, building puhirere and taupoki to use instead of coffins.

Pākehā too are recalling and reviving their former traditions. Women used to lay out the bodies in their villages, and communities would come together to bury their dead. Our hospice movement has enabled people to die at home surrounded by their loved ones. This has taken the process of dying back from the hands of medical professionals and hospitals with the support of a compassionate family focussed organisation. We

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plan to work in parallel to hospice, enabling families to play the central role in after death rites.

This contrasts with the current accepted practice for our loved ones after they have taken their last breath. The usual practice is for the body to be removed from the home and cared for by strangers. However loving and respectful funeral directors may be, the family takes a back seat to what has become the domain of professionals. Yet we believe it is our fundamental human right to care for our own, both before and after death. Those few who undertaken this process have found it positive and healing for their mental health and for community well-being.

Right now we are at the beginning of a renaissance of traditional community practices in caring for and honouring those who have died. In coming decades funeral services will be increasingly family led and personalised, with families and friends actively seeking to spend more time with the deceased while they express their grief.

Significantly, some Pākehā families are beginning not only to use more traditional practices, but also to include other elements more common in tangihanga, such as an open casket, speaking directly to the tūpāpaku, blessing the home after the deceased has been taken for service or burial.

#### **2. Costs**

Members have long been concerned by the way the rising cost of funerals exacerbates poverty in our communities, especially when a whānau may experience two or three tangihanga within a year or two. Ours is one of New Zealand's most deprived regions, with high levels of unemployment and a legacy of inherited disadvantage. The social services represent the largest industry sector by value.<sup>1</sup> The two funeral directors in our area provide quality services but have extensive premises, full time staff and processes that result in costs that are unaffordable for many whanau. Both have reported high levels of unpaid debt by whanau/families.

Rites of passage enable communities to share their grief, to mourn their loss, to celebrate the life of the one who has died. They play a central part in all cultures, bringing people together, reaffirming relationships. Without such rites communities become more fractured, people more isolated and the mental health of families and friends is at risk.

Yet some families now eschew a service completely and go for a simple and quick cremation because that is all they can afford. This does not enable the community to come together to mourn, nor the family to express the grief they feel at the passing of a loved one.

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<sup>1</sup> Eastern Bay of Plenty: Regional Development Report 2019

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Almost everyone turns to a funeral director at a time of death. Funeral directors are seen as having indispensable expertise in health and administration requirements; they have access to equipment (gurneys, coffins, suitable vehicles) and provide embalming, which is still standard. People do not know that they can arrange a funeral themselves and complete the administration requirements. At a time of grief, especially in smaller Pākehā families, completing tasks and learning the needed skills can be insurmountable obstacles. This is why we are pleased to be part of a growing movement of people willing to act as funeral guides or kai atawhai.

We applaud the option of transparent pricing of all services provided by funeral directors. This will not only enable better choice but also reduce the mystique that can surround their role. People must be enabled to choose to do parts of the work themselves. This happens on marae, where members of the hapū take the service, and arrange the burial. Rarely in Pākehā circles do families organise their own service and catering and use their own vehicles. Funeral directors add their own administration fee to these parts of their service, which families may well be able to arrange themselves if they had that option. Transparent pricing would enable them to make informed choices about just what support they need.

Many families report feeling pressured to buy expensive caskets and other items during their time of grief. In recent decades this has become a visible way in which people express love, grief and loss. However this practice has led to ever increasing and unsustainable costs. In our district paying off funeral debt leads to families forgoing basic needs for their children.

In Pākehā communities we have seen a move to more personalised funerals where the interests, passions, and contributions to the community made by the deceased are brought to the fore. We see this as a better and more healing way to demonstrate love and loss than through the purchase of an expensive casket. It is also a more fitting way for a community to honour those who have passed.

In Maori communities the value of the person is demonstrated through the rituals on marae, and here there is a return to traditional ways that also lower costs. In our district some tūpāpaku are honoured through wrapping in whāriki and being placed on a puhirere with taupoki, decorated with leaves and korowai.

We see a need for these practices to be shared and spread throughout the country. Our concern is that most families and whanau still do not know that they can use these low cost alternatives that honour and dignify their loved one. However we are certain that funeral practices are changing and that the next decade will see the adoption of new practices that are more family and community centred and healing.

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#### **3. Environmental concerns**

Our members also have concerns about the environmental effects of cremation and burial. They successfully lobbied for a natural burial cemetery which our local Whakatāne District Council has now established. One member said she would rather 'nourish a tree when she leaves this earth' than cause pollution through embalming or cremation.

We understand that currently 90% of bodies in our country are embalmed and we are just beginning to understand what this means for the environment. Embalming fluids are detrimental to the environment, with formaldehyde a known human carcinogen. This has been banned in Holland and the European Union (the latter, in 2018, allowed three years for adjustment before implementing the ban). Yet one of our local cemeteries (in Taneatua) is close to the river that provides our town water supply.

Cost was the main consideration for Moetatua Turoa of Whānau-a -Apanui who imported a cooling pad for use on marae up the East Coast. The cost of transporting tūpāpaku to Whakatāne and back for embalming was prohibitive and it also made it harder to practice the Māori cultural tradition of the whanau staying alongside the tūpāpaku until burial.

Moetatua redesigned the cooling pad so it is more robust for use on marae, and it is now known as an Atamira Matao. If a coffin is placed on this the tūpāpaku does not need embalming. This was used successfully on the east Coast and in Minginui in February this year, has been welcomed in other Māori communities and has already been used for a Pākehā funeral in Whakatāne. It will support people wanting to be buried in the natural burial cemetery as embalmed bodies cannot be buried there.

#### **Registration of funeral services**

We plan an on line presence only. We will not do embalming and do not intend to have any premises, apart from a storage shed for Atamira Matao, gurneys, coffins and other equipment. We will support whanau to prepare tūpāpaku in homes, and to arrange farewell services on marae, in churches, community halls or in their homes. In this way we can ensure our work is family led and costs are substantially reduced.

Regulation could prevent ordinary people carrying out traditional practices for themselves, their families and their networks. There is no evidence that 'family led funerals' are a problem. Our experience is that people who take this path do it respectfully, diligently, compassionately and feel better for the experience.

Many people now work as independent funeral guides in various parts of the country. We would not want any impediments to their valuable work. Any regulation or registration system must enable new ways of after death. They do not know that

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they can use traditional practices, make their own arrangements. The seminal work of Gail McJorrow and her book and website <https://www.bettersendoff.co.nz> has been instrumental in spreading the word about our rights but most people are still unaware of them.

We would like to see a substantial sum set aside when the new Act comes into force to ensure that everyone is aware of their options. Education provided to ethnic groups, iwi and frontline health services, hospices and the like will quickly spread to the people who can benefit from increased knowledge of their rights.

#### **Regulation of the sector**

Option Four (B3.2.4) which restricts provision of funeral services to those who are registered must not be allowed to take effect. To have our cultural rights taken away by the state with a law requiring this level of regulation of funeral directors at this time will be an enormous setback.

We strongly support the MOH's position in this respect, noting that is aligned with the criterion for the review. We need the flexibility to enable innovative Te Tiriti-based services to develop.

There is an upsurge of interest in exploring possibilities. We have only just begun our quest to reclaim traditional, culturally appropriate and personalised funerals, our journey to find practices that better affirm community and enable healing after death.

People must remain able to take care of the whole process, managing funerals their loved ones who have passed away. People now often look after their loved one in life, and wish to continue to do this after they take their last breath, washing, dressing and 'laying out', taking them for burial in the family car. Option 4 is totally unnecessary and inhumane. It would cause far more heartache than it could ever hope to remedy.

It also mandates one-size-fits-all training which would add to expense for funeral directors (and inevitably to funerals themselves) and prevent many people who want to do this work supporting their whanau. Our service plans to provide training for people from each hapū in local iwi so they can be funeral guides, supporting their own communities. We will not use embalming, but traditional Māori and Pākehā ways of caring for tūpāpaku, ways that are unlikely to become part of an NZQA training programme.

In other countries where laws/regulations are similar to those proposed in Option 4, people are prevented from even touching a body if they are not registered. This Option would stop our work in its tracks. We believe it would be contrary to the Human Rights Act as well as guarantees to Māori under Te Tiriti o Waitangi.

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### Section C: Burial and Cemetery Management

We prefer Option Two. We are in favour of natural burials and see them as having little negative and much positive impact on our communities. The bodies rejoin the natural ecosystem cycles. Within a generation they are transformed from their human form into other forms of energy.

We would like to see natural burial grounds developed on private land. This might lower the costs which are high under local authorities and also provide an income for people wishing to restore their land. Ideally these would be on private land designated as QE2 Trust (<https://geiinationaltrust.org.nz/>). In this way, the continued restoration of the natural environment of the burial ground would be protected in perpetuity even if the land was later sold.

We believe the environment court or regional environmental authority needs to be involved where embalming is used due to the toxic nature of the chemicals (Note embalming is now banned in Europe due to the potential pollution of waterways). We would like to see the local environmental oversight of existing cemeteries near waterways.

### Conclusion:

We wish to thank the Ministry of Health for enabling us to make a submission. This Act covers such an important aspect of life and death, and it comes at a time when there are great changes afoot in the sector. We look forward to the summary of submissions and would like to be appraised of any other opportunities to have our views heard as this review moves towards any draft bill or select committee process.



Ruth Gerzon, co-ordinator





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Moetatua Turoa talks about the Atamira Matao at the Te Teko hui, 8 Nov 2020



Kutiwera demonstrates the weaving of whāriki to wrap the tūpāpaku.  
Te Teko 8 Nov 2020



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A workshop to teach the making of puhirere and taupoki.



The taupoki.  
Te Teko, 8 Nov 2020



Decorating the taupoki.  
Te Teko hui, 8 Nov 2020

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**Appendix Two:** Brief signed submissions from people who attended these hui.

Sixty one people signed the submission. Scanned copies are below and the original signed papers are available on request.

### **The wording is:**

The signatories to this brief submission are exploring new possibilities to provide whanau led, affordable and eco-friendly funerals/tangihanga.

We are concerned that the changes proposed by the Law Commission will reduce our rights to care for their own loved ones after death.

Our motivation is two fold:

1. Changing practices: We are promoting traditional, culturally appropriate funeral rites, and close involvement of families/whanau throughout the process. Funeral practices are changing rapidly with many people keen to see the adoption of healing, community centred practices.
2. Rising costs: Many families/whanau are stressed by funeral debt that can take years to pay off. We are developing more cost effective options such as services without premises, nor embalming.

Option Four (B3.2.4), restricting provision of funeral services to registered funeral directors must not be allowed to take effect. To have our cultural rights taken away by the state with a law requiring this level of regulation will be an enormous setback.

We must not see regulation or registration that would limit our rights to care for our own whanau, and our rights to choice and diversity.

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## Submission to the Review of the Burial and Cremation Act 1964

### Death, Funerals, Burial and Cremation: a Review of the Burial and Cremation Act 1964 and Related Legislation

October 2020

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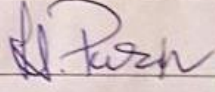
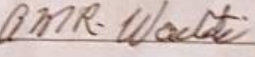
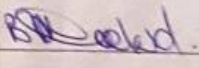
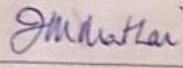
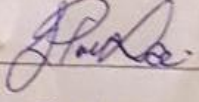

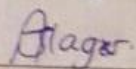
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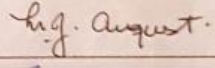
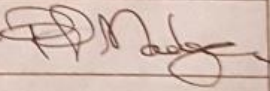
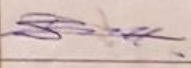
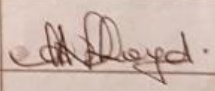
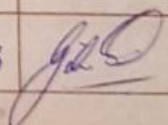
We must not see regulation or registration that would limit our rights to care for our own whanau, and our rights to choice and diversity.

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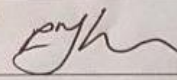
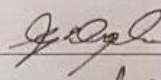
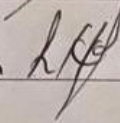
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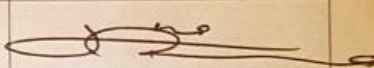
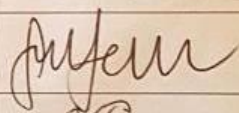
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