

Death, Funerals, Burial and Cremation  
A Review of the Burial and Cremation Act 1964 and Related Legislation  
**Submission by the Aotearoa Independent Death Voices Alliance (AIDVA)**

## Introduction

AIDVA is a group of independent practitioners, outside the mainstream funeral industry. We work together to strengthen the voice of whānau and communities in relation to the physical honouring of a loved whānau member following death.

In Aotearoa/New Zealand as elsewhere, the way people view death is changing. There is a growing need, and emerging trend, for whānau and communities to demystify the processes that follow death, and to reclaim the rights to care for our own deceased loved ones.

As a collective, we are focused on finding modern, meaningful, affordable and respectful ways to improve death care. We trust the law will be set up to include provisions for those who wish to access natural home death care, delivering flexibility, freedom of choice, transparency, natural burial and improved environmental choices.

We welcome the Ministry of Health's review and appreciate the opportunity to submit our written response to it. We also welcome any opportunity to present our response orally, in person and/or via zoom.

We have no objection to this response being published.



## Acknowledgement

AIDVA acknowledges the unique role of Māori as Tangāta Whenua and we embrace Te Tiriti o Waitangi, recognising Māori as tino rangitiratanga of Aotearoa/New Zealand, while valuing the three guiding principles of the Treaty – Partnership, Participation and Protection.

We understand Māori have a continuing connection to land, waters and culture. We endeavour to consider bicultural perspectives that incorporate and value Māori cultural concepts, values and practices, together with those New Zealanders of Pākehā and other religious, ethnic and cultural descent.

We honour and pay our respects to all ancestors, present, past and emerging.

***“ Ehara e te mea, no nāianeī te aroha, nō ngā tupuna i tuku iho, i tuku iho.***

***Te whenua, te whenua, hei oranga mō ngā iwi, nō ngā tupuna i tuku iho, i tuku iho.”***

*“It is not that love is a new thing, it has been passed down to us from our ancestors.  
It is the land, the land, which sustains the people, passed down to us from our ancestors.”*

## Kaupapa: Partnership Participation and Protection

We acknowledge whānau are the main decision makers about what happens to the body of a whānau member following the death of that person.

We strive to ensure families and communities have access to whānau-led after death care, and that their rights to care for their own dead are reclaimed, maintained and protected.

We consider the needs of whānau as paramount and support them to make informed choices at death, with or without the services of a funeral director.

We act as advocates and educators within our communities to demystify death and raise awareness of natural death care and knowledge of choices.

We respond proactively to changes happening in death, funerals, burials and cremations, especially those which serve to benefit the people, the land and our future place within it.

## **Summary**

In our submission we wish to communicate;

- the importance of education which supports people to understand their options, and for whānau and communities to be able to make informed decisions before, at, and after death.
- the importance of maintaining consistency, whilst allowing for new legislation to provide for those who desire more natural, whānau-centred and whenua-centred choices at death.
- that decision makers should not assume a conventional, director-led model is best and that there are other partnership models of death practices available which allow our dead to be cared for safely, respectfully and with dignity.

## **Introduction Section 6.**

### **Proposed overarching duties regarding the disposal of bodies**

1. We agree that there should be a general duty on everybody to “treat any dead human body or human remains with respect” in accordance with their beliefs, traditions, culture and wishes.
2. We 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).
3. We disagree that a breach of either of these two duties should be an offence punishable by infringement notice, or, on conviction, by a fine. Instead, we suggest that each case is treated on an individual basis and that an independent commissioner is appointed to oversee issues and deal with complaints.

## **Section A: Death certification and auditing**

### **A3 Modernising the Death Certification System**

We agree the statute should require that a dead body may not be disposed of unless a doctor or other authorised person has certified that the identity of the deceased has been adequately determined. If the doctor or authorised person considers the body is not adequately identified, they must refer the death to the police.

We agree that the statute should require that a body may not be disposed of or embalmed unless a doctor has certified the cause of death of that person or the authorisation of the coroner is obtained.

We agree that The Births, Deaths, Marriages, and Relationships Registration Act 1995 should be amended so that;

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- the doctor or coroner who determines the cause of death has a duty to provide preliminary notice of the death (and the cause of death) to the Registrar-General.
- to make it clear that a person making decisions about disposal of the body has a duty to notify the Registrar-General of the death (in the manner prescribed by regulations made under that Act).

We agree that The Ministry of Health should have responsibility for the quality of outputs and outcomes from the death certification process and this should be managed online. The statute should create a statutory role of “cause of death reviewer” to be appointed by the Minister of Health.

A function of cause of death reviewers should be to undertake a review of a random sample of all deaths (except deaths that occurred in hospital and deaths that have been referred to the coroner) for the purpose of:

- detecting error in the determination of the cause of death;
- detecting deaths that should have been referred to the coroner; and
- providing education and support to doctors who certify the cause of death.

Additional functions of cause of death reviewers should be to:

- review deaths referred to them;
- undertake targeted reviews of deaths; and
- provide support and education for doctors who certify cause of death.

The statute should provide that, when a cause of death reviewer detects an error in the determination of the cause of death, the reviewer must

- discuss the error with the certifying doctor with a view to reaching agreement (if necessary) about amending the certification of the cause of death;
- if agreement cannot be reached, refer the death to the coroner or to another authorised doctor for adjudication.

If the reviewer detects evidence of criminal activity, the reviewer must report the death to the Police.

## A2. Key Issues with current systems for certifying cause of death and auditing

**Timing:** Some certifying practitioners lack understanding of the purpose and importance of timely completion of these documents. Unavailability of doctors causes unnecessary delays in moving bodies, returning bodies to whānau and/or unnecessary reporting of death to the coroner. Whilst we acknowledge it is best practice for documents to be completed within 24 hours, we recognise this can sometimes be difficult. In many cases, particularly in rural areas, it is not practical or possible to do so. Delays in funeral preparations distress bereaved families. This is particularly significant for Māori and rural communities.

In our collective experience, medical practitioners only come in a timely manner where there exists a close relationship between patient and certifying practitioner. Delays have

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a significant impact on whānau. There is a risk of insensitivity, and unnecessary upset can be caused by approaches that may not be reasonable or respectful.

In some rural and urban areas we find that medical practitioners do not attend the site where a person has died. Instead, families, communities and/or funeral practitioners may have to transport the body to meet a GP in a car park so the doctor can certify death and complete the required form. This often causes additional stress and what is already a stressful time, leading to practices that are unsatisfactory and undignified. Whānau may not feel important or valued. It may also be unsafe for the tūpāpaku.

**Tikanga:** There may be a perception of a lack of respect, understanding and sensitivity of cultural and spiritual needs. This occurs when whānau and close others wish to care for tūpāpaku. New Zealand families from Māori, Pākehā and other cultural/religious descent may often prefer to care naturally and respectfully for the body at home, in community sacred space, or on their marae without the need for embalming or the services of a funeral director.

Certifying practitioners must be aware and understand that any delays in completing paperwork may compromise their rights to do so or adversely affect what happens next for each family.

**Knowledge:** Certifying practitioners may be unaware of what happens after death and how their role affects the entire process. Forms are often inaccurate. Frequent errors include:

- incorrectly identifying and recording the cause of death, including non-specific causes of death
- failure to correctly differentiate between cause of death, underlying cause and contributory issues.
- inattention to detail and mistakenly listing the mode of death as the cause of death
- failure to provide essential information and incomplete forms
- Illegible handwriting

**Bureaucracy:** Forms are complicated without clear guidance or evidence of training for doctors. There may be confusion as to when a death should be reported to the coroner, or when a body can be moved to/or from the family home/aged care facility or funeral directors premises. As mentioned above, it may be difficult to complete documents within 24 hours.

**Inconsistency** with requirements for certifying practitioners to examine the body before completing the MCCD, irrespective of whether the body is to be buried or cremated. Mandatory examination incurs costs, delays and distress.

**Quality assurance:** There is no central checking system for quality assurance and safeguarding of all information on deaths.

**Nurse practitioners:** There is little understanding of the role of nurse practitioners in certifying death. Few nurse practitioners are available, particularly in rural areas.

### **A3. Recommendations for Modernising the Death Certification system**

In our view, the current system is not holistic and change is needed to improve the system.

We support clearer guidance around viewing a body and greater flexibility around who can complete the MCCD where the original medical or nurse practitioner is unavailable.

We understand the need for certifying practitioners to complete their legal responsibilities promptly, accurately and consistently within a given timeframe. By doing so, we trust that fewer people will be referred to the coroner.

However, whilst we would like to see a requirement for certifying death to be completed within 24 hours, we do have concerns with regards to how the 24 hour time period of Option 2 will work in practice, particularly in remote areas. If a doctor is unavailable, the death may be routinely referred to the coroner which would be detrimental to families wishing to care for their own dead naturally and/or who are arranging the funeral themselves.

We are aware that bodies in some urban and rural areas are presently being driven a long way to meet a medical practitioner because it is the only choice possible. We do not wish these communities to be disadvantaged by the new legislation.

We see the greatest and most urgent need when modernising the system is for education and training of certified practitioners to ensure they understand their role in the process and the requirement that the documents are completed accurately and on time.

This will allow the funeral arrangements to proceed without undue difficulty, minimising delay and distress.

We also need to ensure medical practitioners are aware that whānau and communities have cultural, social and legal rights to choose to care for their own without the services of a funeral director or within their premises. In these instances, the body may well be cared for at home using natural cooling methods, without the need to be embalmed. This can make it more imperative for medical practitioners to act promptly.

Families not engaging a funeral director or guide, need clear written information in simple language on what to do with documents. i.e. no transcribing, making copies and sending those copies to the right place. If we acknowledge families and communities have the right to care for their own, education and awareness for the public must be a priority.

Medical practitioners could play an active role in sharing accurate information and giving guidance. This could be made freely available by the medical practitioners as gatekeepers in the community.

We support the proposal for an alternative medical or nurse practitioner to complete the MCCD.

We suggest extending the option further to include other health/medical practitioners and responsible people such as police officers, ambulance officers, senior paramedics, registered nurses, enrolled nurses, midwives, emergency paramedics and intensive care paramedics who may either be present and/or have access to patient records/medical notes, in consultation with the medical practitioner.

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Alternatively, where medical/nursing practitioners are not available, we support extending the practitioners able to complete the Certificate as to Life Extinct in consultation with the medical/ nursing practitioner and as a supplementary document when completing the MCCD is delayed. This will enable all funeral arrangements to be made.

The impact of the government's proposal to complete the MCCD within 24 hours has not been identified. Unless medical practitioners are pressured to complete this within the required timeframe or alternate practitioners can certify death, we have concerns that a significant number of families wanting home funerals, or those in rural areas will be adversely affected and their wishes not respected.

Option 2 is our preferred option to modernise and clarify the system. However, to allow for regional variation and unique circumstances the statute should state that the timeframe within which the attending doctor must determine the cause of death is "within 24 hours of learning of the death or as soon after that as is reasonably practicable".

We also agree that the new statute should enable some nurses to certify death in some circumstances and not require the attending doctor to view the body prior to determining the cause of death.

The doctor should be able to determine whether an examination or viewing of the body is required. However, the statute should require that an alternative doctor who is certifying the cause of death views the body prior to making that determination.

The statute should require the doctor certifying the cause of death to determine that cause to the best of the doctor's knowledge and belief.

The statute should provide that a doctor who did not attend the deceased person during their illness may certify the cause of death if the attending doctor is unavailable. "Unavailable" should be given its usual meaning, which is broader than that currently in the Act.

### **A4. Auditing Death Certification**

Option 2 is our preferred option. We see value in the proposed review committees.

We agree that The Ministry of Health should have responsibility for the quality of outputs and outcomes from the death certification process and this should be managed online. The statute should create a statutory role of "cause of death reviewer" to be appointed by the Minister of Health.

A function of cause of death reviewers should be to undertake a review of a random sample of all deaths (except deaths that occurred in hospital and deaths that have been referred to the coroner) for the purpose of detecting error in the determination of the cause of death; detecting deaths that should have been referred to the coroner; and providing education and support to doctors who certify the cause of death.

Additional functions of cause of death reviewers should be to:

- review deaths referred to them;
- undertake targeted reviews of deaths; and

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- provide support and education for doctors who certify cause of death.

The statute should provide that, when a cause of death reviewer detects an error in the determination of the cause of death, the reviewer must discuss the error with the certifying doctor with a view to reaching agreement (if necessary) about amending the certification of the cause of death.

If agreement cannot be reached, the reviewer must refer the death to the coroner or to another authorised doctor for adjudication.

If the reviewer detects evidence of criminal activity, the reviewer must report the death to the Police.

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

Death affects us all. Yet, for the most part, people are unaware of what is legal, safe or possible in all matters related to death and dying. New Zealanders simply deserve better.

Much of the corporatised funeral industry is outdated and shrouded in secrecy. The larger, more conventional, one size fits all model, reduces diversity, choice, and creativity.

Around the world there is a growing need, and emerging trend, for families and communities to demystify death, reclaim the rights to care for their own and honour the dead in more compassionate, meaningful, sustainable and affordable ways.

This independent niche sector is rising in response to stronger consumer demand for transparency of service and costs, and for greater choice and flexibility. Any regulation of the sector must take this into account.

### **Education**

Within the funeral industry much valuable information is hidden from the public. The current conventional, system-led model lacks transparency of service, choice and cost. This is to the detriment of the grieving families served.

Death is a natural part of life. The sharing of clear, accurate information, rights and responsibilities is essential and is most effective if it happens before somebody dies and before families are in crisis. Our experience shows it also leads to healthier bereavement.

Wonderful people work within the current funeral services sector. Yet others operate businesses on the model that “you don't know what you don't know”. They create confusion, and put vulnerable families at greater risk of being exploited and misled.

Every individual and whānau would benefit from knowledge of funeral choices outside the mainstream. As well as conventional funeral services, they need access to a full range of options, including family led death care, home funeral guidance, natural burial, advocacy support, community and independent undertaking.



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Such information empowers people to take control and make decisions which are right, appropriate and comfortable for them.

As a multicultural society this would allow for greater diversity and respect for varied traditional, spiritual, religious and personal beliefs. Since long before colonisation, Māori have always known the importance of gathering together to mourn, and the healing power of the tangihanga to honour life, people and relationships.

Further cultural education, and support for traditional Maori funeral practices which strengthen the connection to whakapapa and whenua, are paramount to understanding our heritage, history and future as a nation.

As is true in other countries (Australia, the US and the UK), our citizens need consumer education and advice that informs, empowers and inspires. A government funded website coupled with education for community stakeholders such as marae, hospice or citizens advice is easily achievable. This would have a profoundly positive influence on the funeral sector.

### **Transparency of cost**

Funerals are like no other purchase because they are a distress purchase at a time when grieving people are most vulnerable. Many families are not aware of the cost of a funeral prior to needing one, or even are aware what they are actually paying for when engaging with funeral director services.

Most people do not research funeral directors before the point of need. Funeral consumers are vulnerable due to emotional distress, time pressure, expense, inexperience and/or lack of choice. Therefore there is a clear need for clear communication of costs.

Most people only ever organise one or two funerals in their lifetime. As a result, they need greater consumer protection and access to information than for other purchases. We have seen some families, already living in poverty, feeling obliged or pressured to spend more than double the cost of the family car on the coffin alone.

We are encouraged by some smaller independent practitioners displaying upfront and prominent pricing of their products and services online, as well accurate quotes and bill breakdowns. Clear pricing shows respect for the grieving families using their services and in our view this model needs to be adopted by all funeral directors.

Too many others lack transparency and, at times, restrict consumers' ability to purchase coffins or caskets direct from third parties, reducing choice and cost savings.

Harmful and hidden tactics lead grieving families to pay thousands of dollars for basic services. This is neither reasonable, fair nor just. We are aware of instances involving inflated prices, massive mark ups on products and add ons, as well as unexplained, opaque, high priced, non-negotiable service fees.

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Some people, unaware of the extra costs of cremation or burial services, face substantial bill shock.

With an almost 90% embalming rate, the majority of grieving families are unaware of what this toxic process involves, or that it is often unnecessary. When performed routinely in this way it adds another layer of extra costs.

The public may not know they can decline the invasive procedure and that there are other more, natural, alternative options available to safely and hygienically keep a body cool. In our view funeral directors who embalm without consent or agreement are acting without respect and maybe in breach of their duty of care.

New Zealand faces a funeral poverty crisis. This significant issue for families on low and medium incomes needs to be urgently addressed, and requires a cultural, political and social shift. Education of all available options and choices is key so whānau can make informed decisions at death.

The devastating reality for many ordinary New Zealanders especially those with large whānau, is they may have to pay for more than one funeral within a short period. With funerals costing spiralling upwards over \$8000 this is simply unaffordable and unsustainable.

Funeral directors have told us that, at times they carry substantial debt from customers unable to pay. With the added economic downturn due to COVID-19, we must act to reduce the potential for financial misery, crippling debt and long-term hardship.

The high cost of funerals is also a major catalyst for the emerging of “not for profit” and small independent undertaking services, responding to the wishes of their communities. These groups fulfil a vital service, bringing valid and value services to the point of need.

We support the formation and growth of new “not for profit: models and smaller independents, who act with integrity to ensure the people in their care are treated with the utmost respect and dignity. In our experience these practitioners are sensitive to the need for lower costs and fairer pricing whilst focused on adding value and flexible options.

Some use an innovative partnership model, working alongside whānau and families. Some keep costs low, supporting families in their own home, marae, churches, with or without a need for premises.

For those families who choose to use the services of a more conventional funeral director it should be widely known by the New Zealand public that it is possible and acceptable to change providers if they are not comfortable. It is also beneficial to shop around to compare pricing and ask for full quotes upfront.

Whānau must simply not be taken advantage of, paying for funeral services they didn't want or can't afford.

Whilst it is possible to question funeral costs, seek quotes, or switch funeral providers, many families, at a time of grief, do not feel able to do this.

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There is often a wide range of prices for the same service between funeral providers and/or branches of the same company. This is confusing and unfair to consumers. Families may end up feeling manipulated or taken advantage of but accept it without question because they are vulnerable.

In some circumstances people are charged unnecessarily or required to pay inflated prices. We also have serious concerns when families are sold fixed or expensive packages and are required to pay non-negotiable fees.

Regulation of pricing together with education and access to clear information, both online and in store is key.

In the short term we suggest if any company is reluctant to provide breakdowns and clarity of costs, families should seek another service or use an advocate or community advisor to help negotiate on their behalf.

We support efforts to raise awareness, help consumers understand prices, be informed, to reduce costs and eliminate bill shock.

We trust the government recognises the importance and urgent need for price transparency and supports price regulation in the sector to protect the public from being taken advantage of on such an industrial scale.

Funerals in New Zealand are fast becoming the country's greatest RIP off. Regulation of pricing is necessary to avoid continued overcharging.

In 2019 in Australia, New South Wales regulations were passed to ensure funeral homes

- display price lists in-store and on their website
- display the cost of their least expensive package
- provide a cost-itemised quote to a customer before entering an agreement to carry out their funeral service

InvoCare has funeral homes in over 290 locations throughout Australia and over 20 funeral homes in Aotearoa/New Zealand. InvoCare complied with the new regulations in NSW but continued their deceptive pricing in other states. This year InvoCare won Choice's (the Australian Consumer organisation's) 'Shonky Award'<sup>1</sup> for taking advantage of grieving customers *"by offering funeral packages at a set price – often a high one – without breaking down all the costs properly, making it hard for people to decide whether they need or even want everything they're paying for."*

Clearly we cannot rely on the conventional industry to be upfront about their prices voluntarily. If this were the case, consumers wouldn't be facing this serious and urgent problem now. We strongly advocate mandatory nationwide price transparency.

Together with regulation for price transparency we also see a need for a cultural change.

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<sup>1</sup> <https://www.choice.com.au/shonky-awards/hall-of-shame/shonkys-2020/invocare-funerals>

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People have become acculturated to services provided by the funeral industry, in order to “show their love” for their family member who has died.

We would like to see a shift in perception, with more people understanding that they can honour their dead with a personalised, meaningful funeral, without the pressure to buy expensive coffins, shiny products and/or “extra” unnecessary add ons.

Within New Zealand there are already many affordable and beautiful options available without the heavy price tag. At a minimum we believe funeral directors should be required to show the cost of their least expensive items and/or services and be encouraged to remain flexible to a family’s needs, wishes and circumstance. This may include offering a blended range of services and products from which whānau could select.

### **Transparency of service**

The two biggest and fastest growing funeral providers (InvoCare and Propel) in New Zealand are companies listed on the Australian stock exchange. These larger corporates exist to build substantial profit and return it to overseas shareholders.

Many people remain unaware of this including the bereaved who use their services. This is primarily due to lack of transparency and their deliberate profit - maximising behaviour.

Like any corporate business loyalty is to shareholders. Increasing profit is the purpose and is primarily gained from massive mark ups and the successful selling of “add ons”.

As with similar models in the UK, the US and Australia we think the government could require funeral directors such as these to disclose their business ownership structure as well as their full range of prices.

Grieving people may be taken advantage of because the familiar “modus operandi” of these types of companies is to appear to be a small, family run, local business. The “family” names may remain visible on business/name cards, websites, signage or any promotional material long after the historical independent owners have been taken over.

This hides the truth. The reality is that these companies are part of a larger corporate structure motivated by marketing to put greed and large profits first. Given that many people choose a funeral service because it is “local” or been a part of the community for a long time we see this model as confusing, misleading and trickery.

In our view this deception is unacceptable and must not be allowed to continue.

As a response to this review the government may consider requiring larger funeral directors to become more transparent and inform customers of any changes in ownership when they buy up a smaller, independent business.

Accurate logos and relevant information should be prominently and clearly displayed. The former trading name and/or prior owner’s name should no longer be used for ongoing marketing or advertising purposes. These measures would ensure all families are appropriately informed and not deliberately misled.

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When families feel they have received poor quality services they have a right to complain and be heard. We support the proposal to appoint an independent funeral commissioner who would oversee complaints as long as they were not attached to a trade body or connected to the funeral services sector.

### Recommendations

#### Pricing

We support the proposal for an independent consumer website to educate and assist consumers making decisions about funeral costs, services, options and choices.

We support the emergence of new partnership and community enterprise models, which choose to do death differently. These models may focus on reclaiming traditions, rights and responsibilities and/or offer a more natural approach with personalised, creative and meaningful options. They help consumers make fully informed decisions, offering more affordable, flexible services.

We agree that the legislation should require that funeral service providers publish and make available a price list of all the funeral goods and services it provides, both in-store and on their website, including:

- a description and total price of funeral goods and services offered;
- a list of any service fees charged by the funeral service provider;
- the maximum price that a funeral service provider charges for funeral goods and services; and
- any particular items required by regulations made under the new statute.

We agree that statute should require that, prior to entering an agreement for the supply of funeral goods or services, the funeral service provider must give the consumer a statement of the costs of the funeral and a breach of this requirement should be an offence.

We agree that statement of costs must set out:

- the cost of each of the goods and services to be supplied;
- the cost of any disbursements;
- the cost of any service fees;

If the goods and services are supplied as a package, the description of each item in the package and a total cost of the package must be shown.

All websites should include information on how consumers may make a complaint.

We agree that each item on the statement of costs (except disbursements) must correspond with an item on the published price list. We agree that, where the exact cost of any disbursement is unknown when providing a statement of costs, the provider must provide a reasonable estimation of the cost and a statement of the actual disbursement cost with the final invoice.

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We agree that an additional service fee may only cover services for which the cost is not able to be ascertained at the time of providing the statement of costs.

For these reasons we support option 3 (B 4.1.3) to adopt all of the Law Commission's recommendations relating to mandatory disclosure of component prices.

### **Regulation and registration of funeral services**

The impact of regulation of funeral services (except for pricing) would adversely affect consumers as it would reduce diversity, innovation and choice. This would conflict with the core principles of this review.

Regulation of funeral services other than for costs could well increase prices, limit options and go against the rights and responsibilities of whānau and communities to care for their own.

Furthermore we consider that regulation of the sector would eliminate the possibility of community models, "not for profit enterprises" and family-led models and they would cease to exist. This would be shortsighted and detrimental to the needs of consumers.

We strongly agree that funeral directors can and should provide a transparent model of service and pricing without regulation which allows flexibility for families to pick and choose which aspects of their service they need or want and to keep costs down.

We strongly agree that education, transparency of service and pricing, rather than regulation would achieve the desired outcomes of this review.

Our firm belief is regulation would serve to protect the industry not the public, would create unnecessary regional variation, and further inequality. We prefer option 2.

If the status quo is to remain, with the council approving registration, then our preference would be to ensure the councils are aware of all options available to enable and encourage personalisation and choice in funerals. We wish to see provision for all funeral services to operate with or without premises. Families have the right to make decisions which feel right to them with or without the services of a registered funeral director.

Currently many high quality practitioners work in the sector without qualifications. Personal qualities such as compassion, reliability, integrity and honesty are more important than qualifications in death care and funerals. Skills can be taught, empathy can not.

Ultimately death is a human experience and belongs primarily with families and communities as it always traditionally has for Māori, Pākehā and other ethnic groups within New Zealand. Regulation would further disconnect whānau from their culture.

The people of Aotearoa/New Zealand deserve to be honoured in better and more meaningful, ways than a one size fits all model. To really modernise the system we need to encourage increased diversity, creativity and choice.

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Allowing what the deceased and their surviving family and friends want is the truest concept of respect and dignity at death. Regulation of the industry has no place in that.

### Section C Burial and Cemetery Management

Aotearoa is currently limited in choices for burial. We agree there are issues that could be improved within the current framework for burials and cemetery management. We recognise the current system is outdated and varies according to the geographical area in which people reside prior to death.

Death is a universal event, but the body care and funeral system as it stands has begun to resemble a postcode lottery of costs and options. Change that better meets the needs of everyone and benefits whānau, community and our land, is welcome and overdue.

As a collective, we are concerned that constraints with burial are hampering the wishes of people choosing to be buried more naturally in accordance with their life and death values, cultural practices, personal wishes and/or religious beliefs.

We are also concerned that the costs vary across the country for burial almost as much as the few options available. *For example: \$300 in Gisborne; \$1800 in Wairarapa; \$2300 in Whakatāne; Wellington \$3000; Auckland \$4500*

With the emerging demand for more family-led, personalised and/or home funerals, there is a natural alignment with the natural burial movement. As more people reclaim their rights to care for their own and create more meaningful funerals, they will seek more affordable and ecologically responsible burial practices, e.g. *the work of Eastern Bay Villages Affordable Funeral Service and The Farewell Trust, Marlborough Sounds.*

Further, people buried deeply in lawn cemeteries have traditionally been embalmed with chemicals possessing carcinogenic properties. Bodies embalmed in this manner are slow to degrade and release toxins into the soil. Greenhouse gases such as methane can be produced as a result of anaerobic burial processes.

At present, cemeteries within New Zealand are typically operated by local councils. They require regular upkeep, are damaging to the land, expensive to maintain, and do not reflect urgent social and environmental considerations. In addition, they offer limited space.

By comparison, natural burial requires no embalming, with bodies preserved using natural cooling methods and buried at an optimum depth for decomposition. Specifically, burying bodies at shallower depths improves soil fertility, and methane is less likely to be released.

Natural burial processes use biodegradable and/or compostable materials which are often sourced or made locally, reducing the carbon footprint. The use and cost of herbicides, pesticides, fertilisers, poisons are reduced whilst natural grave markers, native tree planting and natural habitats are enhanced to encourage biodiversity.

Lawn mowing is reduced, and land areas such as native bush, forestry or farmland previously untenable for burial can be used.

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Overseas, particularly in the UK, Canada and the US, research has revealed the benefits for bereaved families and the planet of a greener, more natural and connected approach to funeral, body care and burial processes. The UK alone has over 300 diverse, natural burial grounds which operate independently, each with a shared and commitment to honour the earth for this generation and the next.

As New Zealand has rich natural land resources, there is the opportunity to create dedicated burial sites suitable for everyone regardless of ethnicity, culture, socio/economic status and/or religion. We envisage a range of burial grounds made available under independent, trust or steward-based ownership.

Unlike conventional cemeteries which tend to lose money because of the ongoing costs, natural burial grounds generally require less money to maintain. They can be cheaper to manage and more affordable for those who require them.

Ultimately, the advantage of natural burial grounds is that they are protected in perpetuity for families to return to, and become beautiful, green park spaces which continue to benefit the community.

Our collective would welcome the opportunity to offer advisory services to the Ministry and/or provide more information and evidence regarding natural burial at any stage of the review process.

Our AIDVA member Mark Blackham, leads the natural burial movement and his organisation is responsible for the growth of natural burials. Mark has worked extensively over the last 20 years supporting communities and advising councils willing to create a natural cemetery and/or a natural area within their existing cemeteries. This has not been an easy task and respect is due to councils that have acted with courage and foresight to support natural burial practices for their own communities.

Our coordinator Claire Turnham has recently returned from the UK where she has been involved arranging natural burials over the last six years and brings back a wealth of knowledge and experience to share.

As specialists, both Claire and Mark welcome the opportunity to offer advisory services to the Ministry and/or provide more information and evidence regarding natural burial at any stage of the review process.

### **C3 A new burial and cemetery management framework**

#### **Recommendations**

Presently, burial options in New Zealand are limited. Availability varies significantly across the country. We advocate for consistent, eco-responsible burial choices for all, available nationwide.



## **Submission by the Aotearoa Independent Death Voices Alliance (AIDVA)**

Our expectation of this review is that we must create a dedicated action plan to deal effectively with our climate emergency as well as a framework to benefit ordinary New Zealanders.

We do not agree with any of the proposals recommended. We do see that option 2 and option 3 are better than maintaining the status quo of option 1 because they do offer some flexibility and choice but each have unacceptable limitations.

We do agree with the proposed role of the Environment Court and the formation of independently owned cemeteries outside of council control within option 2. Whilst we recognise those willing and working in councils we are too much at the mercy of individuals to bring about adequate and consistent services. We believe New Zealand needs a well researched, coordinated and nationwide commitment to modernising burial.

We recommend the establishment of independent natural burial grounds which are managed under sound sustainable and ecological principles and which provide clear, fair, transparent and reasonable pricing.

We envisage in the future natural burial grounds which may be owned or managed privately, by charities, land trusts, communities, not for profits and/or under steward ownership or Maori guardianship. Whilst not covered in this review, urupā are a positive example to consider.

Option 2 is potentially shortsighted as it does not allow for burial grounds which can be used for alternative purposes. Overseas evidence suggests that burial grounds can successfully serve dual purposes in the areas of agriculture, education, conservation and/or as a recreational park suited to walking, yoga, bird watching, and other significant ceremonies. Under this model, cemeteries held in perpetuity add value to a community and become a beautiful and beneficial addition to community resources.

Option 3 does propose to continue with denominational cemeteries and we support the inclusion for the provision of community cemeteries. However, we cannot agree with this option in full. There is no provision for an Environmental Court or for establishing independent cemeteries as have been outlined in option 2. This again fundamentally limits choices and diversity which seem in conflict with the outcomes of this review.

We also do not agree with option 3 as it requires resource consent for burial on private land. This limits choice, as burial is not a “material” change of use or building addition which requires council planning approval. Home burial makes sense for families in rural areas. In our view, whānau should be allowed to bury their dead privately on their own land without the need for resource consent in accordance with the law and tikanga Māori.

With death rates rising due to ageing baby boomers and a growing population, it is imperative that this review considers more long term, sustainable and affordable alternatives for burial with minimal environmental impact.

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In all decisions we must ensure environmentally responsible choices are available to every New Zealander whilst respecting the Maori principles of kaitiakitanga together with upholding the Ministry's core aims to create choice, flexibility in law and diversity at death.

***“Whatungarongaro te tangata, toitu te whenua”***

***“People will come and go but the land will remain”***

### **Section D. Cremation regulations and the medical referee system**

We agree that there are issues that could be improved with the current cremation or medical referee systems. Our preferred option to modernise the regulations for cremation in New Zealand is option 2 because it offers clarity to those who require cremations which occur outside of crematoriums and for everyone else is a more flexible and sustainable model.

Given that 70 percent of New Zealanders are cremated, it is crucial the MOH considers environmental issues that arise from cremation and ensures existing and future facilities are designed with filters and energy saving methods to minimise the amount of emissions produced. For example, an electric crematorium powered by green electricity and renewable energy resources can cut CO2 emissions by 95 percent.

New Zealand councils may also save money by diverting the waste heat produced by cremation to heat required by another council facility such as a swimming pool. These innovative systems exist in the UK, India, Europe and Sweden.

Water cremation or alkaline hydrolysis is an environmentally-friendly cremation option that demands attention. This gentle process is already available in 24 US states.

We agree with the Ministry's preferred choice of option 2 to repeal the medical referee system. Our understanding is this option will help to reduce costs and benefit consumers by simplifying the administrative process and removing pressure on families.

### **Section E: New Methods of body disposal.**

#### **Recompose**

The environmental impacts of conventional burial and cremation are profound. A new method of environmentally friendly body disposal or human composting has been approved in the USA and is due to start there in 2021. The current price of the Recompose death care service is USD \$5500. Recompose Ecological Care uses the principles of nature to gently transform human remains into soil using a process called natural organic reduction.

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For every person who chooses Recompose over conventional burial or cremation, one metric ton of carbon dioxide is prevented from leaving the atmosphere and requires 1/8 the energy of conventional burial or cremation. That is equivalent to the CO<sub>2</sub> emissions of 500 kg of coal or driving 4000km or over 40 cylinders of propane.

Conventional burial consumes valuable urban land, pollutes soil, and contributes to climate change through resource-intensive manufacture and transport of caskets, headstones, and grave liners. The overall environmental impact of conventional burial and cremation is about the same.

The breakdown of organic matter is an essential component in the cycle that allows the death of one organism to nurture the life of another. Soil is the foundation of a healthy ecosystem. It filters water, provides nutrients to plants, removes carbon, and helps regulate global temperature.

### Method

Phase 1: The cycle begins. Natural organic reduction (NOR) is powered by beneficial microbes that occur naturally on our bodies and in the environment.

Phase 2: Laying in. Staff lay the body in a cradle surrounded by wood chips, alfalfa, and straw. The cradle is placed into a Recompose vessel and covered with more plant material.

Phase 3: The vessel. The body and plant material remain in the vessel for 30 days. Microbes break everything down on the molecular level, resulting in the formation of a nutrient-dense soil.

Phase 4: The soil. Each body creates one cubic yard of soil (765 litres) amendment, which is removed from the vessel and allowed to cure. Once completed, it can be used to enrich conservation land, forests, or gardens.

Phase 5: Life after death. The resulting soil returns the nutrients from our bodies to the natural world. It restores forests, sequesters carbon, and nourishes new life.

### Alkaline Hydrolysis

In 2019 Independent Funeral Director and Death Doula, Rebecca Lyons<sup>2</sup> gained a Churchill fellowship to travel from Australia to UK, Sweden, Czech Republic, Italy, USA and Mexico to investigate human relationships to death and ceremony through alternate approaches and technologies. She investigated many possibilities including alkaline hydrolysis.

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<sup>2</sup> [https://www.churchilltrust.com.au/project/to-investigate-human-relationships-to-death-and-ceremony-through-alternate-approaches-and-technologies---uk-sweden-czech-republic-italy-usa-mexico/?fbclid=IwAR3vwax5EtyAUhGtm0\\_twZMY8tkEVRBPMmufovgkx32lr6MIOorX7Okv7ZM](https://www.churchilltrust.com.au/project/to-investigate-human-relationships-to-death-and-ceremony-through-alternate-approaches-and-technologies---uk-sweden-czech-republic-italy-usa-mexico/?fbclid=IwAR3vwax5EtyAUhGtm0_twZMY8tkEVRBPMmufovgkx32lr6MIOorX7Okv7ZM)

## Submission by the Aotearoa Independent Death Voices Alliance (AIDVA)

This is a process to reduce human tissue whereby the elements of the body return to a liquid state and placed back into the water cycle.

Bio-Response and Resomation<sup>3</sup> are providers in the USA. This process is known by many names including flameless cremation, water cremation, Resomation, Aquamation and it is now legal in over 20 US states.

The resomation process: The body is automatically weighed and lifted before being loaded; the machine automatically adjusts the time and the chemical levels. It first reduces the body tissue and then rinses the bone remains. The temperature reaches 150 degrees Celsius, the cycle time is 4 hours and it creates sterilised remains. This process uses about 1500L of water, which is approximately half the daily consumption of a human.

## Conclusion

We wish the review to take note of

- the importance of consumer after-death rights for whānau/those close to the dead person;
- Māori cultural rights and requirements as central to Te Tiriti o Waitangi as our founding covenant;
- improvements needed to allow for all cultural requirements in our communities;
- transparency of death care choices and costs, and making this information easy to access;
- assisting NGO and small businesses developing in the after-death area;
- encouraging natural/ecoburial options as an important choice and as part of environmental protection and commitment to reducing carbon emissions; and the need to address funeral poverty.

These are all central to improvements to the current legislation.

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<sup>3</sup> <https://resomation.com>

**This submission prepared by Claire Turnham MBE on behalf of:**

**Annie Meredith** *Three Seeds Gisborne*

**Ruth Gerzon** *Eastern Bay Villages Whakatāne*

**Jo Samuel** *A Graceful Undertaking Whangārei*

**Mark Blackman** *Natural Burials NZ Wellington*

**Grace McGregor** *Death Cafe Kapiti*

**Lizzie Gilbertson** *Medical Herbalist, Hawkes Bay*

**Sarah Dawes** *Te Atawhai Aroha Compassionate Communities Rotorua*

**Jean Hera** *Te Hā o Hine-ahu-one, Palmerston North Women's Health Collective*

**Emilie Dobinson** *University of Otago Student and Funeral Poverty Advocate Ōtepoti*

**Moetatua Turoa** *Designer, Atamira Matao (Cooling Pad) Whanarua Bay East Cape*

**Rachel Hawthorne** *Transforming Conversations NZ Christchurch*

**Sarah Carberry** *Farewell Services Trust Marlborough Sounds*

**Karen Williamson** *Artisan Shroud Maker Northland*

**Lynette Walmsley** *Tūhourangi-Ngāti Wāhiao, Hurungaterangi Rotorua*

**Su Hoskin** *Death Cafe Wānaka*

**Katie Williams** *Coffin Club Rotorua*

**Graham Smith** *Trustee, Funerals@Home Tokomaru Bay East Cape*

**Claire Turnham MBE** *Only With Love and Death Cafe Queenstown*

**7 December 2020**

## **Resources**

### **New Zealand**

<https://www.naturalburials.co.nz>

<https://www.easternbayvillages.org.nz>

<https://www.graceful.co.nz>

<https://www.akeakeshrouds.co.nz>

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<https://sites.google.com/view/coffinclubrotorua>

Coffin Club <https://youtu.be/HKn6ibHJ-Zg>

<https://www.youtube.com/watch?v=0KVfu8yVCjM&feature=youtu.be>

Farewell Services Trust <https://m.facebook.com/search/top/?q=farewell%20services%20trust&tsid=0.8383873087196578&source=result>

Home Funeral Network Aotearoa [https://m.facebook.com/groups/165009477200286?group\\_view](https://m.facebook.com/groups/165009477200286?group_view)

<http://funeralsathome.nz>

<http://www.diyfuneral.co.nz>

<https://www.deathmatters.nz>

<https://www.bettersendoff.co.nz>

Te Atawhai Aroha: <https://m.facebook.com/ComComRotorua/>

<https://m.facebook.com/Living-Legacies-121611591211274/>

## Research

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[https://www.google.com/search?q=jean+hera+unpublished+phd+reclaiming+the+last+rites&rlz=1C1GGRV\\_enNZ751NZ751&oq=&ags=chrome.0.69i59i450l2.266112420j0j15&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=jean+hera+unpublished+phd+reclaiming+the+last+rites&rlz=1C1GGRV_enNZ751NZ751&oq=&ags=chrome.0.69i59i450l2.266112420j0j15&sourceid=chrome&ie=UTF-8)

Cyril Schafer, 'Dead serious? Funeral directing in New Zealand.' Sites 4, no.1 (2007), p. 105. Back <https://sites.otago.ac.nz/Sites/article/view/29>

<http://www.TeAra.govt.nz/en/death-and-dying/page-2> (accessed 25 October 2020)

## Australia

<https://www.naturaldeathcarecentre.org>

Australian Home Funeral Alliance

<https://ndan.com.au>

<https://www.choice.com.au/about-us/media-releases/2019/aug>

<https://www.choice.com.au/shonky-awards/hall-of-shame/shonkys-2020/invocare-funerals>

<https://www.choice.com.au/health-and-body/healthy-ageing/ageing-and-retirement/articles/funerals-investigation-do-you-need-a-funeral-director>

<https://www.choice.com.au/health-and-body/healthy-ageing/ageing-and-retirement/articles/funerals-investigation-how-much-do-funerals-cost>

<https://www.choice.com.au/health-and-body/healthy-ageing/ageing-and-retirement/articles/funerals-investigation-the-future-of-funerals>

<https://www.choice.com.au/health-and-body/healthy-ageing/ageing-and-retirement/articles/diy-funerals-and-coffins>

[https://www.churchilltrust.com.au/project/to-investigate-human-relationships-to-death-and-ceremony-through-alternate-approaches-and-technologies---uk-sweden-czech-republic-italy-usa-mexico/?fbclid=IwAR3vwax5EtyAUhGtm0\\_twZMY8tkEVRBPMmufovgkx32lr6MI0orX7Okv7ZM](https://www.churchilltrust.com.au/project/to-investigate-human-relationships-to-death-and-ceremony-through-alternate-approaches-and-technologies---uk-sweden-czech-republic-italy-usa-mexico/?fbclid=IwAR3vwax5EtyAUhGtm0_twZMY8tkEVRBPMmufovgkx32lr6MI0orX7Okv7ZM)

## UK

<http://www.naturaldeath.org.uk>

<https://www.goodfuneralguide.co.uk>

<https://www.gov.uk/cma-cases/funerals-market-study>

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<https://www.onlywithlove.co.uk>

[www.facebook.com/onlywithlove.co.uk](http://www.facebook.com/onlywithlove.co.uk)

[www.facebook.com/homefuneralnetwork](http://www.facebook.com/homefuneralnetwork)

<https://www.leedam.com>

<http://www.edenvalleyburials.org.uk>

<https://www.clandonwood.com>

<http://www.highergroundmeadow.co.uk>

<https://www.greenacresgroup.co.uk/park/chiltern/>

<https://www.woodlandburialwestmill.co.uk>

### USA

<https://www.homefuneralalliance.org>

<https://www.greenburialcouncil.org>

<https://funerals.org>

<https://finalpassages.org>

<https://www.nhfuneral.org>

<https://resomation.com>

<https://recompose.life>

<https://www.bbc.com/news/science-environment-51389084>



## Appendix One:

### Funeral Poverty in Aotearoa

Emilie Dobinson

28<sup>th</sup> September 2020

#### Research Summary

Rituals and practices around death hold significant social meaning to people and can be cathartic and aid in providing collective healing and closure for the bereaved (McManus, 2012; McManus et al., 2019; Thompson & Yeung, 2015). To deny cultural or religious practices related to death can have a profound and detrimental effect on the bereaved (Corden & Hirst, 2016), and in Aotearoa, under te Tiriti o Waitangi, honouring the tikanga (customs) and kawa (protocols) of tangihanga (funerals) is fundamental to Māori rangatiratanga (McManus et al., 2019; Moeke-Maxwell et al., 2019). To put it simply, funeral poverty exists because people either do not have enough money or resources to pay for funeral services or, the services cost too much to be accessible to everyone that needs them. However, the impact of funeral poverty is complex and nuanced, with long-lasting emotions like shame and loss of dignity for those bereaved (Haneman, 2020).

Corden and Hirst (2016) attest to a dramatic rise in funeral poverty in the UK with growing funeral costs and increased state-administered funeral fund applications. In response to this, in 2014, Quaker Social Action coordinated a 'Funeral Poverty Alliance' and the 'Fair Funerals' campaign to publicise the high costs of funerals and lobby government for regulatory change (Corden & Hirst, 2016; Quaker Social Action, 2019). In Sweden, Haneman (2020) states that all residents are entitled to burial services with scaled fees and financial assistance where needed based on their annual tax return. However, in Aotearoa, Walter (2005) maintains that privatisation and self-regulation in the funeral industry are in keeping with a competitive neo-liberal pattern similar to that of the United States (cited in Raudon, 2019). Having a commercialised funeral industry means that services can be priced out of reach for many, perpetuating inequality (Haneman, 2020). The average funeral cost in Aotearoa is approximately \$10,000 (Kelly, 2017; New Zealand Seniors, 2019; McManus et al., 2019), yet, government financial assistance is just over a fifth of this amount (Work and Income, 2020). Thompson and Yeung (2015) allude to the "limited responsibility" (p. 74) the Government has taken in helping people that cannot afford the cost of a funeral. The Law Commission released a regulatory report in 2015 that made 127 recommendations to the Government to overhaul the outdated Burial and Cremation Act 1964, however, this was tabled in 2016 (Law Commission, 2015, 2020). One of the recommendations made was the need for transparency around costs for funeral services, and options for a basic funeral (Law Commission, 2015). Dr Ruth McManus, a senior sociologist at Canterbury University who has researched funerals and poverty remarks that many families in Aotearoa are opting for 'DIY' funerals, or even no funeral at all due to unaffordability and complicated financial assistance processes (University of Canterbury, 2015).

A funeral grant is available through Work and Income (WINZ) if eligibility criteria are met, with the maximum amount per grant of \$2,182.10 (Work and Income, 2020). Data from the Ministry of Social Development (2019) shows that 4792 funeral grants were dispensed in 2018 at a total cost of approximately nine million dollars. Stats NZ states 33,225 deaths were registered in New Zealand

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in 2018 (Stats NZ, 2019), which means that approximately 14.42% of families responsible for a funeral in New Zealand required government assistance, and that is only counting those that applied for the WINZ funeral grant, not those that borrowed from alternative facilities or managed in other ways. To extrapolate further, in the previous decade, the percentage range of the annual death rate to funeral grants disbursed is calculated at 14.32% – 19.19%, showing an ongoing need for government assistance. Furthermore, in an article on the Radio New Zealand (RNZ) website in 2019, a woman who received the grant was interviewed and said the grant barely touched the sides of the full costs of a funeral for her brother (RNZ, 2019), which is corroborated in the aforementioned average cost of a funeral being \$10,000. Another RNZ article comments on an increase in Māori who are considering cremation due to costs (Robson, 2019), and this fact is reinforced in the Moeke-Maxwell et al. (2019) text, even though it is against Māori tikanga. In conclusion, the government needs to take more responsibility in the mitigation of funeral poverty which is clearly an issue in Aotearoa. Whether this means increasing the WINZ funeral grant, introducing regulatory requirements in the funeral industry, or a mixed approach (Thompson & Yeung, 2015).

Furthermore, in the June 2020 quarter, there were 353,440 people receiving a main benefit through WINZ (Ministry of Social Development, 2020), and that number is increasing due to major job loss in the face of the Covid-19 pandemic. This in conjunction with an ageing population that is estimated to double by 2046 with 24-33% of the population projected to be over 65 by 2068, (Stats NZ, n.d.), and the evidence of existing funeral poverty shows that action is needed for new policies that support the bereaved (Thompson & Yeung, 2015). After deferring the Law Commission's recommendations since the report's release in 2015, the Government has now reopened consultations with the "Death, Funerals, Burial and Cremation: A Review of the Burial and Cremation Act 1964 and Related Legislation" consultation document, open to public submissions until 31<sup>st</sup> October 2020 (Ministry of Health [MOH], 2019). This could provide an opportunity to engage with the Government on issues relating to funeral poverty. In section B4 titled "Informing consumers about the costs of funeral services", the document outlines three options regarding price transparency of funeral and deathcare services including maintaining the status quo, mandatory disclosure of *some* component prices, and mandatory disclosure of *all* component prices (MOH, 2019, p. 36). The MOH's preferred option is to retain the status quo because officials "do not consider there is enough of a case to warrant government regulatory intervention", however, they also state that "following the completion of this process and depending on the nature of the submissions and the evidence received from them, [they] are open to revising [their] position" (MOH, 2019, p. 39). Therefore, evidencing funeral poverty in Aotearoa and the issues experienced around a lack of price transparency and options available to lower costs is crucial to shifting the MOH's perception that regulation is unwarranted.

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