

Notice is hereby given that a hearing of submissions to the Gore District Council's draft Cemeteries Bylaw will be held in the Council Chambers, civic administration building, 29 Bowler Avenue, Gore, on Wednesday 11 May 2022, at 4.00pm



Stephen Parry
Chief Executive

4 May 2022

Agenda

1. Apologies

Attached:

- A. Timetable of submissions
- B. Submissions received
- C. Proposed draft Bylaw and operational handbook

Cemeteries Bylaw

Submission hearing

**To be held on Wednesday 11 May 2022
Gore District Council Chambers, at 4.00pm**

Panel members

Crs Bret Highsted, Bronwyn Reid and Stewart MacDonell

	Name	Speaking time
1.	Pukerau Cemetery Trust (confirmed)	4.05pm
2.	Whare Turuwhenua (not attending)	
3.	Karen Pullar (not attending)	

31st March 2022

**Submission to Gore District Council
re Operational Handbook 2022 & Cemeteries Bylaw 2022:**

**Margaret Pullar Hon Secretary Pukerau Cemetery Support Group Trust
7 Aotea Crescent Gore 9720**

mgpullar@xtra.co.nz

032084955 027 4804 012

The Secretary's preferred method of Contact is email and phone.

**Yes the Pukerau Cemetery Trust does wish to speak in support of its
submission at a hearing**

**The Pukerau Cemetery Trust supports most of projected ByLaw, and
Operational Handbook because a review of both the Operational Handbook
and the Cemeteries Bylaw is long overdue.**

**The changes, clarifications and the additions we would like to see are listed
below:**

**The Pukerau Cemetery Support Group Trust highly appreciates the ongoing
assistance and ongoing cooperation we have received from the GDC over the
past few years and presently.**

Also we are delighted to read in page 7 point 3.6 of the Operational
Handbook 2022 that "Pukerau cemetery operates under a different model that
allows for the controlled pre-purchase of burial plots."

Your acknowledgement in page 9 point 3.13 of the Operational Handbook
Closing in of graves that "special requests from family to close in a grave can
be obtained through the sexton, is very appropriate. This is something that
families in Pukerau have previously chosen to do on a number of occasions.

We also acknowledge with appreciation that you have clearly stated that any masonry work on a grave must be authorised by the owner of the plot or next of kin.

(1) Operational Handbook Page 5. 1.0 Introduction.

- a. The closed Otaraia cemetery of 10 acres still owned by GDC and presently leased to the Tripp family at Nithdale, needs to be mentioned under list of cemeteries.
- b. The Historical Places Act needs to be added to your list of policies and procedures.

Any work relating to gravesites which pre- date 1900 are subject to the provisions of the Historic Places Act 1993.

Under this Act, any place in New Zealand that was associated with human activity that occurred before 1900 is categorised as an “archaeological site”.

It is unlawful for anyone who has not been granted a specific authority under the act to destroy damage or modify, or cause to be destroyed, damaged or modified, the whole or any part of any archaeological site.”

(2) Operational Handbook, Page 7. Plots 3.5. Transfer of interest in unused plots.

- a. Exactly what is the appropriate paperwork GDC states is required, when exclusive right of burial is transferred to another willing purchaser?
- b. Does the GDC have a form for this transfer?
- c. With a transfer of interest does that mean new burial right, has a sixty year right from the date of transfer?
- d. For example plots in Pukerau purchased as early as 1984 and 1990 by several people for their family, who will hopefully still be alive in 28 years, should a transfer of interest be made this year.

It would be helpful for generational local families if you did have this 60 year provision **renewable** at the time of transfer of purchase.

**(3) Operational Handbook Page 13- 9.5. Keeping in order
Operational Handbook and 3.2.2 Cemeteries Bylaw. 2022**

- a. Does the word “enclosure” in 9.5 in the Operational Handbook and “monumental masonry” in 3.3.2b in Cemeteries Bylaw include surrounds as well as concrete and gravel base of graves?

It is not clear in your documents or if you are referring only to the headstones and other monuments? It is Important that the words “all structures and material added to the plot” are included.

(4) Cemeteries Bylaw 2022 3.3.1 3.3.2 3.3.3.3

Where you say monumental masonry work is subject to authorisation by the owner of the plot or next of kin, can you make sure that this also includes repairs to surrounds and base of a grave as well as the actual memorial?

(5) Re the lease of cemetery land at Pukerau, Otaraia and Charlton cemeteries.

Do you have, and if not, in fairness to all your staff and your leasees, would you be prepared to establish formal written contracts for the leases of any GDC cemetery land? Contracts that include clear expectations re responsibilities, appropriate husbandry of the land; annual performance review; length of contract and possibility of renewal.

In conclusion:

Since its inception in 2016 our group, now a Trust, has learnt that the local Cemeteries within the Gore District are indeed significant and emotionally important to many individuals, families and descendants throughout New Zealand, as well as overseas. That our cemeteries are regularly visited by locals and by those visiting the district, who have loved ones or ancestors buried in the local cemeteries.

Also that these individuals have really strong opinions about what for them is, or is not, appropriate care of the memorials belonging to their family and ancestors. We have attempted to fully respect this reality.

We wish you well and all the very best in your deliberations. Thank you for your time and for listening to our requests.

Survey Responses

Signup Form Responses

Q0: Privacy statement

Q1: Name / Organisation (if applicable)
Concerned Ex-Pat kiwi.

Q2: Address
12 Gosse Road. Padbury. WA 6025 Australia.

Q3: Email
whareturuwhenua1@gmail.com

Q4: Phone Number
0437806180

Q5: Preferred method of contact
Email

Q6: Do you want to speak in support of your submission at a hearing?
No

Q7: Do you support the bylaw?
Yes

Q8: Please tell us why
It's about moving forward in the current climate allowing for CHANGE as being proactive and amending laws which may have become outdated.

Q9: Are there any changes you would like to see?
Continued presentation and security to the sacredness of those who lay peacefully awaiting their loved ones visits.

Q10: Do you have any additional comments?
Yes, this is NOT the forum in which to request approval to inter some of my late wife, Anne Turuwhenua (nee Nicholson) ashes on July 23, 2022. I would appreciate being given an opportunity to liaise with the correct admin team. Thank you in the first instance.

Q11: File Upload
Death Certificate1.jpg



Cemeteries Bylaw 2022

Name: Karen Pullar

Address: 27 Cluny Avenue, Kelburn, Wellington 6012, New Zealand (also shareholder of Pullar Farm Pukerau)

Email: karen@pullar.nz

Phone: 021 647 330

Preferred method of contact: Email

Do you want to speak in support of your submission at a hearing? No

Do you support the bylaw? Yes

Please tell us why: First it needs to be reviewed due to the previous bylaw expiring. Secondly it is good to review these things to ensure they are fit for purpose on a regular basis.

Are there any changes you would like to see?

No, only suggestions for improvement.

See pages 2-8

Do you have any additional comments?

1. I have not managed to compare the new Cemeteries Operational Handbook with the old one and will not be able to do so before 5pm.
2. People working on the GDC Handbook refer to the one developed by Central Otago. See <https://www.codc.govt.nz/repository/libraries/id:2apsqkk8g1cxbyoqohn0/hierarchy/sitecollectiondocuments/bylaws/other-council-bylaws/Cemeteries%20Handbook%202020%20-%202025%20V2.pdf>

BYLAW

Overall I think the bylaw is fine. Please see following suggestions for considering for improvement.

Key to highlighting

- Yellow – suggested new wording
- Blue – suggested wording to be deleted or moved
- Green – Comments

1.1 Title

The bylaw shall be known as the Gore District Council Cemeteries Bylaw 2022

1.2 Commencement

The bylaw shall come into force on the 1st day of June 2022. *(Should be separate from Title)*

This section should go under scope

1.3 Scope

That is its purpose as stated above and should be removed and replaced with:

This bylaw covers all cemeteries under the direct control of the Gore District Council namely Charlton Park Cemetery, Gore Cemetery, Mataura Cemetery and Pukerau Cemetery.

This bylaw is made pursuant of the powers contained in Sections 145 and 146 of the Local Government Act 2002 and the Burials and Cremations Act 1964, and the Bylaws Act 1910.

1.4 Interpretation *these need to be listed in alphabetical order*

Bylaw means the Gore District Council Cemeteries Bylaw 2022.

Cemeteries Operational Handbook means the document governing the operational standards for cemeteries adopted by the Council under clause 2.2. *Cemeteries Operational Handbook being a defined term should have initial caps throughout the document. Consider dropping "operational" from the term. The wording "Authorized Officer" is not contained in the bylaw – do they mean "Cemeteries Administrator"? Definition below*

Cemeteries administrator means the person appointed under clause 3.2.

. The wording "Local authority" is not contained in the bylaw – do they mean Council – definition inserted below?

Council means the Gore District Council *The wording "Third Party" is not contained in the bylaw. Why is it included?*

2.1 Activities and conduct in cemeteries *Suggest the two subclauses be changed in order so we talk about what should take place first and conduct second.*

3.1.3 The functions of a Sexton shall include the following:

a) The Sexton must not undertake an interment at a cemetery unless requested by the Council or a cemeteries administrator. *This should be a separate clause. Suggest you put what the section must do first (b-d below), and add this as a separate clause after them.*

b) The burial of human remains (caskets and ashes) and interment;

c) Disinterment and exhumation of human remains in accordance with section 51 of the Act;

d) Preparing, excavating, and filling in graves;

e) Supplying and safely operating burial equipment and machinery.

3.1.x The Sexton must not undertake an interment at a cemetery unless requested by the Council or a cemeteries administrator.

4.1 Offences and penalties

A person who breaches this Bylaw commits an offence *(should it be worded "a breach of this bylaw" rather than an offence?)* and is liable on summary conviction to a fine not exceeding \$20,000, pursuant to Section 242(4) of the Local Government Act 2002 and/or the Burial and Cremation Act 1964.

Does there need to be a clause inserted to take into consideration agreements made in the past.

Suggested wording:

Any exclusive right of burial, permit, certificate, licence, warrant, or other form of approval made under the Gore District Council Cemeteries Bylaw 2008 continues in force as if the former bylaw had not been revoked and expires on the date specified (if any).

Any application for a permit, certificate, license, warrant, or other form of approval made under the Gore District Council General Bylaw 2008, Clause 1402, that was filed before the day on which this bylaw commences must be dealt with by the Council as if it had been made under this bylaw.

Any exclusive right of burial, permit, certificate, licence, warrant, or other form of approval made by the Pukerau Cemetery Trust, prior to the Gore Districts Council taking over management of the Pukerau Cemetery in 2000, continues in force and expires on the date specified (if any).

Handbook

Overall I think the Handbook is fine. Please see following suggestions for considering for improvement.

Key to highlighting

- Yellow – suggested new wording
- Blue – suggested wording to be deleted or moved
- Green – Comments

1.0 INTRODUCTION

The Gore District Council Cemeteries Operational Handbook (Handbook) contains the rules and conditions that apply to provision of services, operational requirements, and acceptable conduct in cemeteries owned by, or operated by the Gore District Council (the Council).

The Handbook also provides information to assist the smooth running, operation, and provision of information to the public about council cemeteries.

The rules and conditions applicable to council cemeteries contained in the Handbook were made in accordance with the Gore District Council Cemeteries Bylaw 2022.

These policies and procedures for the operation of the cemeteries within the Gore District provide a foundation for the smooth running and operation, including the provision of services, for the cemeteries of the Gore District Council.

Operational Cemeteries

The Gore District Council administers the following cemeteries:

- Charlton Park
- Gore
- Mataura
- Pukerau

Pukerau Cemetery has areas set aside for Catholic and Muslim religious denominational burials

For interments in these cemeteries please contact the Cemeteries Administrator, phone (03) 2090330 between the hours of Monday to Friday 9.00am to 5.00pm.

Email: cemeteries@goredc.govt.nz

Web: www.goredc.govt.nz

Is it possible to also have a mobile number / out of hours number as deaths don't always occur Monday-Friday between 8am and 5pm!

Other Cemeteries

The following Gore District cemeteries are closed, and interments are no longer allowed.

- Otarua Cemetery (closed in 2005).

The Waikaka Cemetery is operated and administered by the Waikaka Cemetery Trustees.

Trust Cemeteries

The following Gore District cemetery is run by cemetery trustees, and the Gore District Council Cemeteries Bylaw 2022 does not apply to this cemetery.

- Waikaka Cemetery

Contact details for the Waikaka Cemetery Trustees are available on the council website.

The Gore District contains one known Urupa which is part of the Tukurau Reserve. *Please clarify if this Urupa is open for burials? If so, can we provide directions on who to contact if one wants to use this facility?*

This handbook should be read in conjunction with the following Acts and Bylaws:

- Burial and Cremation Act 1964 and amendments
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 and amendments
- Cremation Regulations 1973 and amendments
- Health (Burial) Regulations 1946 and amendments
- Gore District Council Cemeteries Bylaw 2022
- Local Government Act 2002
- NZS 4242:1995 for Headstones and Cemetery Monuments
- Health Act 1956 and amendments
- Health and Safety at Work Act 2015
- Coroners Act 2006
- Historic Places Act 1993
- Reserves Act 1977
- Resource Management Act 1991
- Veteran Affairs Regulations www.veteransaffairs.mil.nz

NB: This operational handbook supersedes and replaces all previous operational policies and procedures.

DEFINITIONS – Are definitions required – suggest they are copied from the Bylaw?

GENERAL INFORMATION – suggest a section be included here with basic info including opening hours, fees, forms and where to find them, booking procedure, and notice required. Suggested wording follows

Opening Hours

Cemeteries operated by the Council are open for public visiting seven days a week.

Cemeteries are open for interments Monday to Saturday, as follows:

- Summer hours: 9.00am – 4.00pm.
- Winter hours: 9.00am – 3.30pm.

Cemeteries are closed for interments on Sundays and public holidays.

Cemetery Fees and Forms

A table showing applicable cemetery fees can be found on the council Website along with application forms for accessing cemetery related services.

The applicable fees must be paid in full prior to the event (e.g. burial right, interment, disinterment, maintenance) taking place. Payment can be made by automatic payment or directly to the Council.

The person requesting an interment or disinterment must submit the appropriate forms to the Council's Cemeteries Administrator who will confirm the fee applicable, prior to the interment taking place. Further detail and arrangement regarding prior payment will be communicated to the applicant by the Cemeteries Administrator.

The forms referred to in this Handbook are available on the council website (goredc.govt.nz)

- Apply for an interment (burial or scattering of ashes) - (see Appendix 2)
- Apply to erect a memorial headstone, plaque or monument

Booking Procedure

The Cemeteries Administrator is to be notified by email or telephone of an intended burial. The minimum notice for an Application for Burial or Interment to be processed by the Council at least 8 working hours prior to interment.

2.0 INTERMENTS

2.1 Interring

It is unlawful to inter human remains or cremated ashes in any Gore District cemetery without permission being obtained from the Gore District Council or Sexton.

2.2 Permission for interment

No interment (burial or ashes) shall be made, or any works undertaken, in any cemetery under the control of the Gore District Council without permission first being obtained from the Gore District Council and the appropriate fee as specified in the Schedule of Fees paid (*see Appendix 3*). The Application for Burial (see Appendix 2) must also be approved by the Sexton.

There should be more telling of what you should do, logically laid out, avoid repetition and leave the "what not to do" until the end! Suggest a rewrite as follows:

2.1 Application for Interment

The person arranging the interment must lodge the following relevant applications with the Cemeteries Administrator:

- Application for burial or ash interment (for all interments) (see Appendix 2)
- Authority to open a plot (additional to application for interment, if an interment of deceased person or human remains is to take place in an occupied plot)

No interments (of a deceased person or other human remains) can take place in a council cemetery until the Council has approved the application(s) referred to above, and the applicable fee(s) has been paid (refer *Appendix 3* of this Handbook).

5.0 INDIGENT PERSONS

5.1 The Burial and Cremation Act 1964 requires the Council to bury the bodies of poor persons, and persons from any hospital, penal institution, or other public institution free of charge upon order from a Justice of the Peace. An application for interment form must still be completed by an authorised agent before the burial takes place.

7.0 INTERMENTS GENERAL

7.1 Hours for interments

Cemeteries operated by the Council are open for public visiting seven days a week. Cemeteries are open for interments Monday to Saturday, as follows:

- Summer hours: 9.00am – 4.00pm.
- Winter hours: 9.00am – 3.30pm.

- Cemeteries are closed for interments on Sundays and public holidays.

Suggest this is moved to the start of the document

The Gore District Council may waive fees for the interment of any indigent persons provided that an application is made on the approved form (see Appendix 1 or the Council website).

Such application must be made to the Council, where possible, at least 48 hours prior to the interment taking place. The application must first be investigated and approved by a Justice of the Peace.

The interment shall not take place unless the Gore District Council has given prior approval.

The cemetery and plot to be used for the interment will be chosen at the discretion of the Sexton.

Redundant wording

8.6 Maintenance of graves

In the normal course of business, the Gore District Council will maintain its cemeteries.

Need to insert something about contracting maintenance out.

8.8 Special procedures for Māori burials

The Council recognise, and provides for, the spiritual and cultural values of Māori regarding the departure of mate (dead people). These include the choice to select a Plot this is significant to them, the availability of water at the cemetery, the opportunity for Māori to fill in the grave and to have a ceremony to unveil the headstone, if desired.

9.2 Monument permits

Monument permits (see Appendix 4) must be applied for, and approved by, the Sexton prior to all monument work commencing. *Can we see Appendix 4 – Is it the same as current*

Need to insert a clause about altering monuments

No mason or any other person shall, except with the consent of the Sexton, alter any grave, any headstone or monument.

The Gore District Council does not accept any responsibility for damage or vandalism to headstones. *(does a clause about earthquakes need to be inserted?)*

10.1 Genealogical research

Search fees shall be payable for genealogical research as published annually by the Gore District Council (see Appendix 3). *Sentence does not make sense*

11.0 FEES suggest this is moved to the start of the document

11.1 Schedule of fees

A table showing applicable cemetery fees can be found on the council Website along with application forms for accessing cemetery related services.

Applicable fees will be set for all services offered by the Gore District Council, and these are subject to review and possible change on 1 July each year. All fees will be publicly notified by the Gore District Council.

Changes to fees will be made to meet the Cemeteries funding policy.

11.2 Cemetery fees

The applicable fees must be paid in full prior to the event (e.g. burial right, interment, disinterment, maintenance) taking place. Payment can be made by automatic payment or directly to the Council. The person requesting an interment or disinterment must submit the appropriate forms to the Council's Cemeteries Administrator who will confirm the fee applicable, prior to the interment taking place. Further detail and arrangement regarding prior payment will be communicated to the applicant by the Cemeteries Administrator.

CEMETERIES BYLAW 2022



The Gore District Council had a Cemeteries Bylaw which was due for review in 2018. Due to the review not being carried out, the 2008 Bylaw expired on 1 July 2020 in accordance with section 160 of the Local Government Act 2002.

This bylaw is therefore made in accordance with sections 145 and 146 of the Local Government Act 2002, the Burial and Cremation Act 1964 and the Health Act 1956.

1. Preliminary

1.1 Title

The bylaw shall be known as the Gore District Council Cemeteries Bylaw 2022 and shall come into force on the 1st day of June 2022.

This bylaw covers all cemeteries under the direct control of the Gore District Council namely Charlton Park Cemetery, Gore Cemetery, Matura Cemetery and Pukerau Cemetery. The bylaw should be read in conjunction with the cemeteries operational handbook.

1.2 Purpose

The purpose of this bylaw is to:

- a) Set standards to maintain and preserve cemeteries.
- b) Direct the positions and depths of all graves within a cemetery.
- c) Protect buildings, monuments, lawns, shrubs, plantations, and enclosures in a cemetery from destruction or damage.
- d) Prescribe conditions subject to which more than 1 deceased person, including the ashes of more than 1 deceased person, may be interred in any grave.
- e) Control or restrict the times at which or between which burials may be carried out.
- f) Regulate burial in a cemetery of the ashes of the dead.
- g) Subject to section 51 of the Burial and Cremations Act 1964, regulate and restrict the disinterment and removal of bodies.
- h) Regulate the use of, and any activities undertaken at cemeteries, in order to protect land, structures and infrastructure associated with cemeteries from damage, misuse, or loss.
- i) Prescribe fees payable in respect of goods or services provided by Council in relation to cemeteries.

1.3 Scope

The scope of this bylaw is to enable the Council to control and set standards for the operation of cemeteries and crematoria within the boundaries covered by the Council's responsibility or ownership.

This bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002 and the Burials and Cremations Act 1964.

1.4 Interpretation

Act means the Burial and Cremation Act 1964 or any superseding legislation.

Cemetery means any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

Cemeteries operational handbook means the document governing the operational standards for cemeteries adopted by the Council under clause 2.2.

Authorised officer means any person appointed or authorised by the Local Authority to carry out or exercise the duties of an Authorised Officer under this Bylaw.

Sexton means any person appointed by the Local Authority to control or manage or assist in the control and management of the Gore District Cemeteries and to carry out burials as provided in this Bylaw.

Local authority means the Gore District Council or a Committee of the Gore District Council or Officer authorised to exercise the authority of the Gore District Council.

Third-party means any relative of the deceased, next of kin or a registered funeral director.

Disinter or disinterment means the removal of a human body or ash remains from the earth or any vault.

Inter or interment means the placement of a human body or ash remains in a grave or any vault.

Monument includes a headstone, plaque, panel, or other memorial to a deceased person.

Monumental masonry work includes the establishment, repair, or modification of a monument.

2. Standards of conduct and maintenance within cemeteries

2.1 Activities and conduct in cemeteries

2.1.1 Every person present in a cemetery must conduct themselves in accordance with the Act, this bylaw, and any standards for behaviour as set out in the cemeteries operational handbook.

2.1.2 The following activities may take place in cemeteries provided the activity is carried out in accordance with the Act, this bylaw, and the Cemeteries operational handbook:

- a) Interment and disinterment;
- b) The installation and maintenance of memorials, monuments, headstones, and plaques; and
- c) Maintenance and construction of park features by Council approved contractors.

2.2 Cemeteries operational handbook

2.2.1 The Council may from time to time adopt by resolution, and may also amend by resolution, the cemeteries operational handbook sets out rules and conditions relating to activities and behaviour in cemeteries. This includes, but is not limited to, the following:

- a) The location and availability of burial and ashes plots, and the purchase of exclusive rights on burial plots;
- b) The manner of burial, including the depth, preparation and testing of graves, size of caskets;
- c) Requirements for notification and application to the Council to carry out interments, disinterment's, re-interments, grave maintenance, monumental masonry work, purchase burial rights, and in relation to any other good or service provided in a cemetery;
- d) Hours of access to cemeteries, when funerals can be held, and when maintenance and other work is allowed in cemeteries;
- e) The burial of poor persons, stillborn children and operational service personnel and their partners;
- f) Responsibility for the health and safety of persons visiting and working in cemeteries;
- g) Requirements for disinterments;
- h) Requirements concerning monuments, fences, signs, trees and shrubs, and other things that may be installed or kept on graves in, cemeteries, including what things are not allowed;

- i) The type of maintenance and other work that can be carried out in cemeteries, and who is responsible for carrying out maintenance or other work;
- j) Standards of behaviour for persons in cemeteries, including whether animals or vehicles may be brought into cemeteries and under what conditions;
- k) Special conditions related to particular cemeteries or types of cemeteries;
- l) Prescribing fees associated with interments, disinterments, re-interments, grave maintenance, monumental masonry work, burial rights, and in relation to any other goods or service provided in a cemetery; and
- m) Stating the forms that must be used by any person to apply to the Council in relation to services provided at cemeteries.

2.2.2 If a person carries out an activity in a cemetery that does not comply with any clause in the cemeteries operational handbook, the Council or the Sexton may do any of the following:

- a) Direct the person to comply with the relevant clause in the cemeteries operational handbook.
- b) Direct Council employees, the Sexton, or a contractor to carry out work in the cemetery to achieve compliance with the cemeteries operational handbook.
- c) Recover from the person who breached the cemeteries operational handbook the costs of any work undertaken to rectify the breach as a debt due to the Council.

2.3 Prohibited activities

2.3.1 No person, other than a Sexton or a person(s) authorised by a Sexton, shall in or near any part of a cemetery:

- (a) Engage in interment or disinterment.
- (b) Operate any burial machinery or equipment.

2.3.2 No person shall, in or near any part of a cemetery:

- (a) Prevent, interrupt, or delay the burial of any deceased person, or human remains.
- (b) Cause a nuisance or annoyance to people lawfully within a cemetery or approaching a cemetery for a lawful purpose.

(c) Cause any damage to land, buildings or chattels located in a cemetery, including but not limited to lawns, shrubberies, plantations, enclosures, monuments, and graves.

2.3.3 No person shall engage in installing or tending a memorial or monument in a cemetery while an interment is occurring at an adjoining plot.

2.4 Promotional activities

2.4.1 No person shall within any cemetery promote, advertise, or tout any goods or services for sale or supply, without obtaining permission in writing from the Council under clause 2.4.3.

2.4.2 No person, including a person affiliated or contracted with a media organisation, shall attend any funeral held in a cemetery for the purpose of filming, taking photographs, or recording unless either:

- a) It is solely for a private purpose; or
- b) Permission in writing for the occasion is obtained from the Council under clause 2.

2.4.3 The Council may grant permission to conduct the activities prohibited in clause 2.4.1 and 2.4.2 after consulting with the Funeral Director managing the interment in question.

3. Cemetery administration

3.1 Appointment of Sexton

The Council may appoint a person to the role of Sexton for any cemetery or cemeteries within the District.

3.1.1 Any person appointed by the Council as a Sexton prior to the commencement of this bylaw through an agreement between the Sexton and the Council, shall be deemed to be validly appointed in accordance with clause 3.1 of this bylaw.

3.1.2 The appointment of a Sexton shall continue until the expiry of the agreement between the Sexton and the Council unless revoked at the discretion of the Council.

3.1.3 The functions of a Sexton shall include the following:

- a) The Sexton must not undertake an interment at a cemetery unless requested by the Council or a cemeteries administrator.
- b) The burial of human remains (caskets and ashes) and interment;

- c) Disinterment and exhumation of human remains in accordance with section 51 of the Act;
- d) Preparing, excavating, and filling in graves;
- e) Supplying and safely operating burial equipment and machinery.

3.1.4 The Sexton must act in accordance with all relevant New Zealand standards, the cemeteries operational handbook, Council policies and bylaws, and any other professional and legal requirements applicable to their role.

3.2 Cemeteries Administrator

3.2.1 The Council may appoint any person to be a cemetery administrator and may revoke that appointment at any time.

3.2.2 The functions of a cemetery's administrator shall include maintaining cemetery records, making requests to the Sexton regarding a new burial of a deceased person or preparation for a new burial.

3.3 Permission to carry out monumental mason work

3.3.1 No person may carry out any monumental masonry work at a cemetery unless in accordance with permission issued by the Council under clause 2.2.

3.3.2 The Council may grant permission to allow a person to carry out monumental masonry work at a cemetery subject to the following conditions:

- a) The monumental masonry work is authorised by the owner of the plot or next of kin; and
- b) The monumental masonry work satisfies all applicable requirements in the Cemeteries operational handbook.

3.3.3 The Council may require any person who has undertaken monumental masonry work other than in accordance with clause 3.3.2 to remove or carry out repairs on the monumental masonry work to meet requirements of the cemeteries operational handbook.

3.3.4 If a person fails without reasonable excuse to comply with a direction from the Council under clause 3.3.3 within 30 days, the Council may remove the monumental masonry work or carry out the repairs, and any costs incurred by the Council shall be a debt payable by that person to the Council.

3.4 Delegations

3.4.1 Any of the powers and functions of the Council set out in this bylaw may be delegated by it to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any other person deemed to be suitably qualified in the opinion of the Chief Executive Officer.

4. Enforcement

4.1 Offences and penalties

A person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, pursuant to Section 242(4) of the Local Government Act 2002.

The foregoing bylaw was duly adopted at a meeting of the Gore District Council held on the ... day of ... 2022 and ordered to come into force on the 1st day of June 2022.

The Common Seal of the Gore
District Council was hereunto
affixed this ... day of ...
2022, in the presence of:

_____ Tracy Hicks, Mayor

_____ Stephen Parry, Chief Executive

RURAL CITY LIVING



CEMETERIES

Operational Handbook 2022

Approved at the Council meeting held on Tuesday 8 February 2022 in conjunction with Cemeteries Bylaw 2022
V1.0

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1.0 INTRODUCTION

These policies and procedures for the operation of the cemeteries within the Gore District provide a foundation for the smooth running and operation, including the provision of services, for the cemeteries of the Gore District Council.

The Gore District Council administers the following cemeteries:

- Charlton Park
- Gore
- Mataura
- Pukerau

For interments in these cemeteries please contact the Cemeteries Administrator, phone (03) 2090330 between the hours of Monday to Friday 9.00am to 5.00pm. Email: cemeteries@goredc.govt.nz. Web: www.goredc.govt.nz

The District contains one known Urupa which is part of the Tuturaau Reserve.

The Waikaka Cemetery is operated and administered by the Waikaka Cemetery Trustees.

These policies and procedures must be read in conjunction with the following Acts and Bylaws:

- Burial and Cremation Act 1964 and amendments
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 and amendments
- Cremation Regulations 1973 and amendments
- Health (Burial) Regulations 1946 and amendments
- Gore District Council Cemeteries Bylaw 2021
- Local Government Act 2002
- NZS 4242:1995 for Headstones and Cemetery Monuments
- Health Act 1956 and amendments
- Health and Safety at Work Act 2015

NB: This operational handbook supersedes and replaces all previous operational policies and procedures.

2.0 INTERMENTS

2.1 Interring

It is unlawful to inter human remains or cremated ashes in any Gore District cemetery without permission being obtained from the Gore District Council or Sexton.

2.2 Permission for interment

No interment (burial or ashes) shall be made, or any works undertaken, in any cemetery under the control of the Gore District Council without permission first being obtained from the Gore District Council and the appropriate fee as specified in the Schedule of Fees paid (*see Appendix 3*). The Application for Burial (*see Appendix 2*) must also be approved by the Sexton.

2.3 Notification of interment and bookings system

Notification of an intended burial must be given to the Sexton at least 8 working hours prior to the time of interment. This notification may initially be made by telephone, and confirmation given in writing on the application for burial form no later than the morning of the interment. Receipt of the application and approval of the same will be acknowledged.

Notification of ashes interment must be given to the Sexton at least 4 hours prior to the interment. Interments may only take place during cemetery operating hours.

Time of interment will be at the discretion of the Sexton. More than one service may take place in a cemetery at one time. All reasonable steps will be made to accommodate the time requested.

Completed and signed burial application forms must be forwarded to the Sexton prior to grave work commencing.

2.4 Time of arrival and notification of expected time of arrival

The expected time of arrival shall be stated on the application for burial form.

The Sexton may be notified directly by cell phone of the approximate arrival time prior to the burial. If the time varies greatly from the intended time, alternate arrangements must be made with the Sexton.

3.0 PLOTS

3.1 Cemetery owner and manager

The owner and manager of the District cemeteries are the Gore District Council. A person may only purchase the exclusive right of burial. The Gore District Council owns the land and this is not sold. The Gore District Council may sell the exclusive right of burial for a limited period in any part of any cemetery.

3.2 The exclusive burial right owner

The owner of the exclusive burial right is the person who, at the time of interment, fills out the application for burial when a new plot is required or has his/her name placed as the plot owner.

3.3 Exclusive burial right purchased before 2003

If the owner of the exclusive burial rights is deceased, then **ONLY** the immediate next of kin may be interred in the same plot. The degrees of relationship are the spouse, parent, child, or siblings of the deceased. As per the Matrimonial Act, this also includes de facto partners, subject to available room.

Application for burial must be made on the appropriate form (*see Appendix 2*). If the burial rights owner is deceased, the authority must be given by the immediate next of kin, or a person acting on behalf of the deceased or the deceased's estate.

3.4 Lapsing of exclusive burial rights

Any application for the purchase of the exclusive right of burial in any plot not previously used for interment shall lapse unless the purchase is completed by making full payment within **six** calendar months of the date of the application.

The exclusive right of burial not previously used for interment shall lapse if, at any time after the purchase, **sixty** years pass without a burial taking place.

3.5 Transfer of interest in unused plots

Any purchaser or owner of the exclusive right of burial of any plot in which no burial has taken place may transfer their interest in such ground to another willing purchaser. Appropriate paperwork indicating the change of ownership must be completed and filed with the Gore District Council. A fee may apply. The Gore District Council will **NOT** repurchase any plot previously sold.

3.6 Pre-purchase

The Gore District Council does not pre-sell any of the exclusive burial rights in any of the District's three main cemeteries, ie Charlton Park, Gore or Mataura. The exclusive burial rights can only be purchased at the time of interment.

Pukerau Cemetery operates under a different model that allows for the controlled pre-purchase of burial plots.

3.7 Burial plots

Burial plots are currently available in the following cemeteries:

- Charlton Park
- Maitaura
- Pukerau
- Waikaka (via the Cemetery Trustees)

The size of a standard burial plot is 1.2m x 2.7m. If a larger plot is required, arrangements must be made at the time of booking and confirmed with the Cemeteries Administrator.

The standard depth of interments shall be sufficient to enable ground cover, to the existing ground level, of at least a minimum of:

- Single interment: 1.7m
- Double interment: 2m

No more than two caskets and four ash interments can be interred in each burial plot.

Beam plots

The Gore District Council provides ashes beam plots for sale. They are currently available in the following cemeteries:

- Charlton Park
- Maitaura
- Gore

The width of any ashes beam plot will be 600mm.

Family ashes plots, 1.2m in width, may accommodate more than two.

3.9 Scattering of ashes

Ashes will be scattered in specified areas designated by the Gore District Council and/or Sexton.

No unauthorised scattering of ashes is permitted in any of the Gore District cemeteries at any time.

3.10 Interment of burial or ashes

Permission must have been obtained from the Burial Rights Owner and the appropriate fee paid.

A Gore District Council representative is not required to be in attendance at ashes interments.

3.11 Plot assignments

Burial shall take place in such plots, as determined by the Sexton.

Any relative of a person to be interred may, at the time of burial only, purchase one adjacent plot.

3.12 Digging of graves

The Gore District Council staff will prepare all graves and will be in attendance to assist the Funeral Directors.

3.13 Closing in of graves

The cemetery staff will close in all graves. Special requests from family to close in a grave can be obtained through the Sexton. These requests will be considered in line with current health and safety guidelines.

4.0 RETURNED SERVICES SECTION

4.1 Returned Services Person

All men and women who have served with the New Zealand armed forces or its allies in time of war as defined in the attached information sheet '*Eligibility for Burial in Services Cemetery*' may be buried in the Returned Service section of the Gore District Council cemeteries.

4.2 Returned Services plots

The Gore District Council will provide Returned Services plots free of charge. The Exclusive Right of Burial will be retained by the Gore District Council. They are currently available in the following cemeteries:

- Charlton Park
- Mataura

4.3 Eligibility

Eligibility to be interred in the services section requires that the first interment must be that of a returned service person and any second interment may only be the spouse/partner of the service person. (*Refer to Information Sheet MC10/03 attached*)

4.4 Returned Services memorial plaques

Only bronze plaques are permitted in the Returned Services area. These can be purchased through the Veteran Affairs Office in Wellington.

5.0 INDIGENT PERSONS

5.1 The Burial and Cremation Act 1964 requires the Council to bury the bodies of poor persons, and persons from any hospital, penal institution, or other public institution free of charge upon order from a Justice of the Peace. An application for interment form must still be completed by an authorised agent before the burial takes place.

The Gore District Council may waive fees for the interment of any indigent persons provided that an application is made on the approved form (*see Appendix 1* or the Council website).

Such application must be made to the Council, where possible, at least 48 hours prior to the interment taking place. The application must first be investigated and approved by a Justice of the Peace.

The interment shall not take place unless the Gore District Council has given prior approval.

The cemetery and plot to be used for the interment will be chosen at the discretion of the Sexton.

6.0 DISINTERMENT

6.1 Removal of human remains or cremated ashes

It is unlawful to remove any human remains or cremated ashes from any Gore District cemetery without prior permission. In the case of human remains, a licence from the Ministry of Health must be granted prior to disinterment. For ashes, permission must be sought from the Gore District Council or the Sexton.

6.2 Ashes

Ashes may be disinterred from any Gore District cemetery on application to the Council and payment of the prescribed fee (*see Appendix 3*).

6.3 Legal process of burials

Where the Gore District Council receives an application for disinterment, the disinterment shall be conducted pursuant to Sections 51 and 55 of the Burial and Cremations Act 1964 and any amendments, the Heath Act 1956 and any amendments thereto, and be subject to the payment of any fee as the Gore District Council may determine (*see Appendix 3*).

6.4 Bookings

All exhumation enquiries must be directed to the Sexton. A convenient time for all parties will be negotiated.

6.5 Transfer of interest in disinterment plots

Any purchaser or owner of the exclusive right of burial of any plot in which a disinterment has taken place may transfer their interest in such ground to any willing purchaser. In these circumstances, the plot may only be used for the interment of ashes and not for further burials.

7.0 INTERMENTS GENERAL

7.1 Hours for interments

Cemeteries operated by the Council are open for public visiting seven days a week. Cemeteries are open for interments Monday to Saturday, as follows:

- Summer hours: 9.00am – 4.00pm
- Winter hours: 9.00am – 3.30pm
- Cemeteries are closed for interments on Sundays and public holidays.

8.0 GRAVES

8.1 Location

Graves can be located by contacting the Sexton. A fee may apply.

8.2 Grave testing

To ascertain room for further burials in graves, the Sexton can conduct a test of the grave. A fee may apply.

8.3 Concrete breaking

A separate fee will apply when concrete breaking is required.

8.4 Grave preparation

No person, other than the approved cemetery staff, shall dig any grave in any part of the cemeteries.

The minimum depth of cover for any casket shall not be less than 1 metre.

8.5 Grave reinstatement

It is the responsibility of the owner or client to re-instate the concrete covering on the grave after the burial.

8.6 Maintenance of graves

In the normal course of business, the Gore District Council will maintain its cemeteries.

If undue sinkage occurs after a burial graves will be levelled up. If sinkage is observed it can be reported to the Sexton and the grave will be levelled as soon as practicable.

Floral tributes will be removed 10 days after a burial has taken place.

8.7 Provision of grave markers

The Gore District Council makes no provision for the maintenance of white cross grave-markers. Any neglected grave marker placed in the cemetery will be removed.

Grave markers are only permitted for a period of twelve months or until such time as a monument or headstone is installed.

8.8 Special procedures for Maori burials

The Council recognise, and provides for, the spiritual and cultural values of Maori regarding the departure of mate (dead people). These include the choice to select a Plot this is significant to them, the availability of water at the cemetery, the opportunity for Maori to fill in the grave and to have a ceremony to unveil the headstone, if desired.

8.9 Religious denominational burials

Pukerau Cemetery has specific areas set aside for Catholic and Muslim religious denominational burials

9.0 MEMORIAL INSTALLATION

9.1 Erection of monuments

Owners of the exclusive right of burial, or if the owner is deceased, the immediate next of kin, may give permission for a memorial plaque or headstone to be erected.

9.2 Monument permits

Monument permits (*see Appendix 4*) must be applied for and approved by, the Sexton prior to all monument work commencing.

No monument work will be authorised until the Gore District Council has received full payment of all interment fees.

9.3 Removal of monuments

No mason or any other person shall, except with the consent of the Sexton, remove from any cemetery or grave, any headstone or monument.

9.4 Monument work

Concrete based work for all memorials shall not stand higher than 150 mm above the highest point of the concrete base or ground level, whichever is the higher, and must be laid to the satisfaction of the Council and in accordance with sound engineering principles as set out in the Standards New Zealand NZS 4242:1995.

All headstones shall not be wider than 1m in the case of a single plot or 2m in the case of a double plot and stand no higher than 1.5m.

All monuments to be placed in a cemetery MUST be of solid material and have a minimum protected service life of 50 years.

All material displaced when placing a monument MUST be removed by the person who applied for permission without delay.

No person shall make use of any footpath or roadway in any cemetery for the purpose of mixing cement or mortar other than on a watertight platform and

shall take all necessary precautions to ensure that no damage is done to footpaths, roadways, plots and lawns.

The Gore District Council does not accept any responsibility for damage or vandalism to headstones.

No responsibility is taken for damage to a monument that is removed by Cemetery staff for the purpose of digging a grave.

9.5 Keeping In order

All kerbs, enclosures, headstones, and other monuments shall be kept in proper state of repair by the purchaser of the Exclusive Rights of Burial or their representatives or assignee/s. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all monuments, fences or erections of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of the Gore District Council subject to Section 9 of the Burial and Cremation Act 1964. In the event of there being no next of kin or relation available to affect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed at the cemetery office.

9.6 Deposit of materials

No mason or other person erecting or repairing any headstone, monument, fence or other work in, on, or around any grave in any cemetery, shall make use of the footpath or other part of the cemetery for placing or depositing tools, planks, casks or material in connection with the work of such erection, construction or repair for a longer time than is reasonably necessary. Any such mason or other person who, after receiving notice in writing signed by the Sexton requesting the removal of such equipment in a specified time, shall be liable to prosecution for any offence against the part of the applicable Bylaw (*Cemeteries Bylaw 2000*).

9.7 Deposit

If the Gore District Council so requires, a deposit shall be lodged with every application for a permit to carry out such work as outlined in clause 9.4. Such deposit shall be refunded when the work has been completed to the satisfaction of the Sexton.

9.8 Plaques

Plaques must have a minimum clearance of 10mm from the edge of the plaque to the edge of the plot on any ashes beam and be no more than 20 mm thick.

A plaque larger than 150mm x 100mm must be fixed by the client or their representative. It is the responsibility of the plot owner to ensure that the plaque is of the correct dimensions for the particular plot concerned.

10.0 CEMETERIES GENERAL

10.1 Genealogical research

Search fees shall be payable for genealogical research as published annually by the Gore District Council (*see Appendix 3*).

10.2 Vehicles in cemeteries

No person shall take any vehicle of any kind into any cemetery except between the hours of sunrise and sunset, or at such time as the Gore District Council decides.

No person shall permit any vehicle of any kind under their control to remain in any cemetery after sunset on any day without the permission of the Gore District Council and/or Sexton.

No person in control of any vehicle shall drive or conduct the same or permit the same to be on any part of the cemetery except the roads open for vehicular traffic unless authorised by the Gore District Council and/or Sexton.

No person shall drive or conduct any vehicle of any kind in any cemetery at a greater speed than 20km/h, or as indicated on any road within any cemetery.

All vehicles, other than hearses, shall yield unconditional right of way to any funeral procession.

Every person driving or conducting any vehicle in any cemetery shall stop or move the vehicle as directed by the Sexton or their assistant.

No person shall drive or conduct any vehicle in any cemetery except in the direction indicated by traffic notices.

10.2.1 Special vehicles

No person shall be permitted to bring into any cemetery any large mechanical items for display eg helicopters, earthmoving machinery etc without the prior approval of the Sexton. All requests must be made in writing to the Sexton at least 8 working hours prior to the commencement of a service.

10.3 Animals

No animals are allowed in any Gore District Council cemetery. Special permission must be approved by the Sexton if any animals are to attend their owner's funeral.

10.4 Misconduct

No person shall, in any part of any cemetery, by any violent or improper behaviour, prevent, interrupt, or delay a funeral service.

10.5 Promotional activity

No person shall, in any cemetery, advertise or solicit any order or custom from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation or supply of any article, material, or thing to be set up, affixed, placed, or used in any cemetery.

Except at the specific request of a purchaser of plots or their representatives or assignees, no person shall, in any cemetery, accept or take any such order or custom as aforesaid.

No commercial photographer shall, without the consent of the funeral director, or special permission in writing for the occasion from the Sexton, attend any funeral for the purpose of taking photographs.

11.0 FEES**11.1 Schedule of fees**

A table showing applicable cemetery fees can be found on the council Website along with application forms for accessing cemetery related services. Applicable fees will be set for all services offered by the Gore District Council and these are subject to review and possible change on 1 July each year. All fees will be publicly notified by the Gore District Council.

Changes to fees will be made to meet the Cemeteries funding policy.

11.2 Cemetery fees

The applicable fees must be paid in full prior to the event (e.g. burial right, interment, disinterment, maintenance) taking place. Payment can be made by automatic payment or directly to the Council. The person requesting an interment or disinterment must submit the appropriate forms to the Council's Cemeteries Administrator who will confirm the fee applicable, prior to the interment taking place. Further detail and arrangement regarding prior payment will be communicated to the applicant by the Cemeteries Administrator.

12.0 SHRUBS TREES AND FLOWERS

No shrubs, trees, or flowers shall be planted or removed in any cemetery except where directed by the Gore District Council or the Sexton.

13.0 SAFETY RESPONSIBILITIES

All persons entering and/or working in any cemetery MUST abide by the Health and Safety at Work Act 2015 and amendments and any relevant health and safety policies of the Gore District Council.

Contractors are responsible for familiarising themselves with such Acts and relevant policies.

14.0 TERMS OF TRADE

Local Funeral Directors may operate an account for payment of cemetery fees with the Council provided payment is made by the 20th of the month following the burial.

If a member of the public wishes to arrange an interment without involving a Funeral Director, all fees will be paid to the Gore District Council prior to the burial taking place.

Appendix one: Application for free interment (updated version)

Gore District Council cemeteries

Full name of deceased _____

Address: _____

Date of birth: _____

I, _____ of _____

being _____ (relationship) of the above deceased person hereby make application to the Gore District Council for a free interment as set down in the Burial and Cremation Act 1984.

Set out below are the financial circumstances of the deceased:

Value of property owned \$ _____

Bank Account amount \$ _____

Account number _____ Bank _____

Investments held (if any) _____

Money owed (if any) (Trusts, superannuation etc) _____

Estimate of funeral (including interment fee) \$ _____

Less Work and Income support or War Pension grant \$ _____

Balance outstanding

I certify that the above facts are correct to the best of my knowledge and no other persons are able to meet the cost of the interment.

Signed _____ Date: _____

I hereby certify that I have fully examined the financial circumstances of _____ and declare that there are insufficient funds to meet his/her funeral costs and that a free interment should be granted.

Signed at Gore on _____ by _____ Justice of Peace.

Privacy Act 2020

This information will only be used in consideration of the above application and will not be disclosed to any other parties.