



Procedures for Disinterments - Burial and Cremation Act 1964

- 1) Applications must be in writing and are usually made by:
 - person(s) related to the deceased;
 - the executor of the will of the deceased;
 - a funeral director acting on behalf of either of the above;
 - an iwi/Māori authority acting on behalf of the close relatives; or
 - A person acting for the family.
- 2) Applications should be submitted to the applicant's local District Health Board ("DHB") Public Health Unit addressed to the Health Protection Officer, who will assess the application and forward it, together with a report and recommendations, to the Ministry of Health, Wellington.
- 3) If the proposed disinterment is urgent, details of the disinterment may be e-mailed or delivered to the applicant's local DHB Public Health Unit.
- 4) The fee (see clause 12) and all supporting papers (see below) must accompany the application.
- 5) Please note that it is not usual to issue licences between one month and one year after burial because of decomposition during this period. If a body has been embalmed, this limitation may not apply, depending on the drainage of the site, likely state of the casket and recommendation of the Health Protection Officer. Applications to disinter within one month of interment may be deferred if the deceased died of an infectious disease.
- 6) A licence is normally issued three working days after receipt by the Ministry of a complete application. Unless otherwise indicated, the licence is issued to the applicant and copied to the local DHB Public Health Unit Health Protection Officer who reported on the application.

Disinterment application requirements

- 7) Assessment of the application is made by a Health Protection Officer. The Health Protection Officer will assess the submitted documentation to ensure it is complete, review the application and prepare a report for the Ministry of Health.
- 8) Before a disinterment licence is issued, the wishes of all next of kin (e.g. spouse, parent(s)' children, sibling(s), and guardian(s)) **must be confirmed in writing. Each family or whanau member is required to:**
 - **indicate their consent (or otherwise); and**
 - **Note their respective relationship with the deceased.**

Any given authority for a person to speak for other next of kin must be specified in writing and signed by the person giving the authority.

The Ministry of Health usually only approves applications for disinterment licences where there is absolute agreement among next of kin. Where there is no absolute agreement, the Ministry of Health nor the Public Health Unit will act as a negotiator.

For Pacific families, an elder may have authority to speak on behalf of the deceased, even though the elder may not be a close relative of the deceased. A representative nominated in writing by the extended family is acceptable.

- 9) *Reason for the disinterment:* The application must state the reason for the disinterment. Examples of reasons may include cultural reasons, burial in the wrong plot, relatives who have moved to another area, or mental anguish. Each reason will be assessed on its own merits.
- 10) A description of the intended disposal of the remains, i.e. reburial (specify cemetery), cremation etc.
- 11) *Cause of death:* The original certificate of death or a certified copy is required with each application, (available as a certified copy of entry in the Register Book of Deaths from the Registry of Births, Deaths and Marriages – Department of Internal Affairs – Births, Deaths and Marriages, phone 0800 22 52 52) so that the cause of death and other details can be confirmed.

In cases where a death certificate cannot be obtained in time to submit with the application (e.g. the certificate has not yet been issued), the Ministry will accept a statement from the cemetery or burial ground authority identifying where the deceased is buried and a statement describing the cause of death.

Please note that the documentation submitted with your application must be the originals. However the Ministry of Health can copy these for its records and return the originals, if requested to do so.

- 12) *Licence fee:* A \$90 fee including GST) is made payable to The Ministry of Health for each license applied for. Usually one license is required for each body to be disinterred, although exceptions would include a common grave. The fee may be waived where special reasons make it appropriate to do so - for example compassionate or hardship grounds). Any request for a waiver should be supported by documentary evidence of hardship or alternative justification.

Payments for Disinterment License Fees are to be made by Direct Credit / online banking / bank deposit to the Ministry of Health's bank account: Westpac account 03-0049-0001805-00.

Please include details in the online payment reference fields as follows: **[name of payer] / Disinter Lic / [surname and initials of deceased]** When payment has been made, please email details of your remittance advice to receivables@moh.govt.nz

- 13) If the body has been buried less than three years then confirmation is required as to whether it was embalmed. An embalmer's certificate, if the body was embalmed, or a written statement from the funeral directors who carried out the burial that the body was not embalmed is required.
- 14) The fee may be waived where special reasons make it appropriate to do so (for example compassionate or hardship grounds). Any request for a waiver should be supported by documentary evidence of hardship or alternative justification.
- 15) ***Application to be made under oath:*** The licence application must include a **Statutory Declaration from the applicant that the information contained within it is true and correct, and be witnessed by a Justice of the Peace, serving Police Officer or Court official. An example of statutory declaration is attached.**

Supervision of Disinterment's

- 16) Disinterment occurs whenever a casket (or body) is uncovered, even if only partially uncovered. A Health Protection Officer must supervise the disinterment unless that requirement is specifically waived in the issued licence. Supervision of the disinterment by a Health Protection Officer is to ensure that the disinterment is carried out with due respect to the deceased and in a sanitary manner so as to prevent any public health risk arising or any offence being created to the body and any family/next of kin that may be present. The licence will be copied to the Health Protection Officer to whom the application was first lodged.
- 17) The person(s) undertaking the disinterment are responsible for ensuring that the disinterment is legally, safely and properly carried out, with decency and due respect to the deceased and adjacent burial sites.

Usually disinterments are arranged and carried out by funeral directors, but this is not obligatory. However if funeral directors are not to be used it is important that applicants are aware of the requirements in relation to protective clothing, hygienic handling and transport of the disinterred remains, proper standards of dignity and that the appropriate equipment, (including a new coffin or body bag as circumstances require) is available. Applicants should discuss these issues with the Health Protection Officer before the disinterment commences.

- 18) The applicant should also refer to the Worksafe website - Excavation Safety Guidelines, July 2016. <https://worksafe.govt.nz/topic-and-industry/excavation/excavation-safety-gpg/>
- 19) Such work may be notifiable under Regulation 26 of the Health and Safety in Employment Regulations 1995.

Registrar to be notified when body removed or disposed of

- 20) Where the body is not returned to the same plot, the licence holder must give full details as to where and how the body was disposed of to the Registrar for Births, Deaths, and Marriages at the Department of Internal Affairs (as required by section 51 of the Births, Deaths, Marriages and Relationships Registration Act 1995).

Once a disinterment licence is issued to applicants they can arrange the date of the disinterment with the cemetery owner, funeral directors, and the Health Protection Officer.

For Further Information
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