

# Briefing

## Transfer of West Taieri Cemetery to the Dunedin City Council

Date due to MO:	15 July 2024	Action required by:	N/A
Security level:	IN CONFIDENCE	Health Report number:	H2024043391
To:	Hon Dr Shane Reti, Minister of Health		
Consulted:	Health New Zealand: <input type="checkbox"/>		

### Contact for telephone discussion

Name	Position	Telephone
Jane Chambers	Acting Deputy Director-General, Public Health Agency   Te Pou Hauora Tūmatanui	s 9(2)(a)
Clare Possenniskie	Manager Ope Takaioapu, Public Health Policy and Regulation, Public Health Agency   Te Pou Hauora Tūmatanui	s 9(2)(a)

### Action for Private Secretaries

Forward	copies of the documents signed by Minister Reti to the Governor-General.	Date dispatched to GG:
Return	the signed report to the Ministry of Health.	Date dispatched to MO:

# Transfer of West Taieri Cemetery to the Dunedin City Council

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**Security level:** IN CONFIDENCE      **Date:** 15 July 2024

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**To:** Hon Dr Shane Reti, Minister of Health

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## Purpose of report

1. This report seeks your approval to forward advice to the Governor-General to appoint the Dunedin City Council to have control and management of the West Taieri Cemetery (situated at 1130 Lee Stream-Outram Road, Outram) under the Burial and Cremation Act 1964.

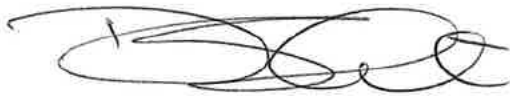
## Key Points

2. The former Taieri County Council (now Dunedin City Council) has operated and administered the land that forms the West Taieri Cemetery for at least the last 50-60 years.
3. The Trustees of the West Taieri Cemetery ceased to administer the cemetery from 1989, following the re-organisation of local government in Otago that year, and transferred day to day responsibility for West Taieri Cemetery to the Dunedin City Council. The Dunedin City Council has requested to regularise the ownership and administration of the West Taieri Cemetery with Dunedin City Council.
4. Section 23(3) of the Burial and Cremation Act 1964 (the Act) provides that where the number of trustees of a cemetery is less than three, the Governor-General, with the consent of the local authority, may appoint that local authority to have control and management of the cemetery.
5. The Dunedin City Council has confirmed there have been no appointments of new trustees within at least the last seven years (the cycle for re-appointment) so no trustees currently exist. The Dunedin City Council has agreed to take over the cemetery.
6. Use of section 23(3) will trigger section 53(1) of the Act which shall have the effect of vesting the cemetery in the Dunedin City Council.
7. The Ministry of Health have engaged with Ngāi Tahu who have waived their right of first refusal on this land (appendix 1).
8. This is a straightforward procedural matter.

## Recommendations

We recommend you:

- a) **Sign** the attached advice sheet to the Governor-General, in your capacity as **Yes/No**  
Minister of the Crown;
- b) **Forward** to Cabinet Office the signed advice sheet and covering note for the **Yes/No**  
Governor-General.



Dr Diana Sarfati  
Director-General of Health  
**Te Tumu Whakarae mō te Hauora**  
Date: 11/7/24



Hon Dr Shane Reti  
**Minister of Health**  
Date: 24/7/2024

NT Ref: O/5624  
Your Ref:

28 May 2024

Manatu Hauora  
Ministry of Health  
PO Box 5013  
**WELLINGTON 6140**

Attention: Jane Chambers

Tēnā koe Jane,

**RE: WEST TAIERI CEMETERY, 1130 LEE STREAM-OUTRAM ROAD, OUTRAM**

I refer to your letter dated 8 May 2024 giving Preliminary Notice and requesting a waiver on the above Cemetery.

Even though underlying ownership lies with the Crown, Dunedin City Council have been operating and administering the Cemetery for some 50-60 years, and as such, have requested that the ownership and administration of the Cemetery be formalised through the appointment of the Council to control and manage the Cemetery.

In this instance, Te Rūnanga o Ngāi Tahu waives its right to purchase this particular property pursuant to Section 55 of the Ngāi Tahu Claims Settlement Act 1998.

This waiver does not set a precedent for future waiver requests and any changes to the proposal, or area required, may require further consultation with us.

Nāku noa,

s 9(2)(a)

s 9(2)(a) | Registered Legal Executive (DipConv)

Right of First Refusal Manager

Email: s 9(2)(a)

Mob: s 9(2)(a)