

Appendix C: Comparison of existing Bylaw and Code and proposed amended Bylaw

The proposal to amend the Bylaw and revoke the Code makes a direct comparison difficult. The following table provides a high-level comparison between the existing Bylaw and Code and the proposed amended Bylaw. It is intended to provide a quick reference guide and is not intended to be a comprehensive list of changes.

For brevity, the following table summarises some current Bylaw and Code clauses, excludes tables in clauses 12 – 15 of the proposed amended Bylaw, and excludes administrative clauses about the Bylaw title, commencement, application, purpose, and interpretation.

Reasons for the changes are to simplify the regulatory framework and improve the current approach to the management of council cemeteries and crematoria, reflect current operational practice, be easier to understand and comply with, and align with best practice drafting standards.

Proposed amended Bylaw	Current Code (or Bylaw)
<p style="text-align: center;">Part 1 Services and activities at council cemeteries and crematoria Subpart 1 Responsibilities of everyone</p> <p>1 Adornments in lawn cemetery areas allowed subject to conditions</p> <p>(1) Any person may place adornments in a lawn cemetery –</p> <p style="margin-left: 20px;">(a) on a plot for no more than 28 days following an interment in that plot, unless –</p> <p style="margin-left: 40px;">(i) in a decorated area; or</p> <p style="margin-left: 40px;">(ii) council has given prior written approval;</p> <p style="margin-left: 20px;">(b) on a concrete berm associated with the plot at any time;</p> <p>(2) A person who places an adornment in (1) must ensure that the adornment does not –</p> <p style="margin-left: 20px;">(a) inhibit maintenance or operational activities (for example, obstruct access or risk injury for lawn mowing, other interments, levelling of graves or sowing grass seeds);</p> <p style="margin-left: 20px;">(b) interfere with an accessible path of travel for cemetery users;</p> <p style="margin-left: 20px;">(c) include breakable materials (for example, vases, jars or containers made of glass or ceramics);</p> <p style="margin-left: 20px;">(d) include materials that may cause litter or damage to the environment;</p> <p style="margin-left: 20px;">(e) include railing or fencing.</p> <p>(3) For the avoidance of doubt, the number of adornments are only limited by the space available on the plot or the concrete berm.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Related information about adornments in lawn cemetery areas</p> <ul style="list-style-type: none"> Click on the following links for more information about adornments in general and relating to maintenance. 'Decorated areas' allow for permanent adornments on plots, were determined by legacy councils, and are no longer the current approach. The public GeoMaps mapping service shows areas at Manukau Memorial Gardens and Waikumete cemeteries. Council encourages sustainable use of adornments (for example, use of natural instead of plastic flowers), but has not prohibited any materials on the basis that they may cause litter or harm the environment. Council may ask the burial rights holder, or take action, to relocate or remove any adornments that do not comply with the rules. </div>	<p>5.12 No above-ground memorials, including railing or fencing, are permitted in grounds determined as Lawn Cemeteries.</p> <p>5.15 Adornments, including all wreaths and floral tributes may be placed on a plot for up to 14 days following an interment. After this time, all adornments will be relocated to the concrete beam. Any adornments added after this time must be confined to approved receptacles, or the concrete beam.</p> <p>5.16 Adornments may not inhibit the proper maintenance of the cemetery or other graves.</p> <p>5.17 Breakable jars, vases or receptacles are not permitted to be used as flower containers.</p>

Proposed amended Bylaw		Current Code (or Bylaw)
2	Adornments in natural burial areas allowed subject to conditions (1) A person may place one untreated wooden marker on a plot in a natural burial area – (a) centrally at the head of the plot ; and (b) at the time, or within the first week, of the interment in the plot . (2) For the avoidance of doubt, no other adornments are permitted on a plot in (1). <div> Related information about temporary adornments in natural burial areas <ul style="list-style-type: none"> Temporary adornments support the purpose of natural burial areas to enable burials with low environmental impact. Council chooses and plants a native tree or shrub on plots in natural burial areas, at its discretion according to sequential planting plans. Click on the following link for more information about natural burial areas. </div>	3.16 Where a cemetery provides for natural burials, those burials will: f) use only temporary, untreated wooden markers, placed at the time or within the first week of burial, centrally located at the head of the plot; and g) be marked more permanently by a native tree or shrub chosen by the council, and planted at its discretion.
3	Only council may dig a grave (1) No person may dig a grave, other than council .	3.11 Only the council (or Wāhi Tapu Māori Komiti) is authorised to dig a grave.
4	A person must comply with any cemeteries and crematoria control (1) A person must comply with any control for council controlled or managed cemeteries or crematoria made in accordance with clause 10. (2) However, clause 4(1) does not apply to any person acting in compliance with a lawful direction of council. <div> Related information about controls <ul style="list-style-type: none"> There are currently no controls made under this Bylaw. Council in month 2025 decided to revoke the previous control, titled the Auckland Council Cemeteries and Crematoria Code of Practice 2014, to streamline the regulatory framework. You can view the decision in Item # of the Auckland Council Governing Body meeting agenda dated ## month 2025. </div>	Same wording as in current Bylaw clause 6 aside from different clause references, reference to “control” not “code” to align with best practice drafting standards, and reference to “council controlled or managed cemeteries and crematoria” to align with wording in burial and cremation legislation.
Subpart 2 Responsibilities of plot owners or the bereaved		Burial (3.1 – 3.3) <ul style="list-style-type: none"> Submit information (forms, plot owner consent) and fees for approval, prior to burial. Exclusive Right of Burial (3.4 – 3.7) <ul style="list-style-type: none"> Council may sell the right. Plots and graves (3.11 – 3.15) <ul style="list-style-type: none"> Additional burials require council consent. Cremation (3.19 – 3.25) <ul style="list-style-type: none"> Submit information (forms, Cremation Regulations 1973 documents) for approval, prior to cremation. Council approval required for cremation at non-operational time. Ashes (3.26 – 3.30) <ul style="list-style-type: none"> Submit information (forms) and fees for approval, prior to ash scattering. Vaults and Mausolea (5.1 – 5.5) <ul style="list-style-type: none"> Submit plans and specifications, proof of plot ownership and any fee, for council approval. Memorials (5.6 – 5.14)
5	Approval required to inter, cremate, disinter, scatter ashes and for monuments, vaults, mausolea or vegetation (1) A person wishing to undertake a service or activity in this Table must – (a) obtain an approval from council prior to the commencement of the service or activity; and (b) comply at all times with the approval , including any conditions. <div> Before burial and cremation <ul style="list-style-type: none"> (i) Construct, modify or remove a vault or mausoleum; Burial and cremation <ul style="list-style-type: none"> (ii) Burial (for example, for a body or ashes); (iii) Cremation; After burial and cremation <ul style="list-style-type: none"> (iv) Install, modify or remove a monument (for example a headstone at a plot or a plaque at a memorial wall); (v) Ash scattering; (vi) Disinterment (for example, for a body or ashes); (vii) Plant, cut, maintain or remove vegetation (for example, a tree); <div> Related information about approvals <ul style="list-style-type: none"> Click on the following links for more information about how to apply for an approval, matters considered, and approval conditions. </div> </div>	

Proposed amended Bylaw		Current Code (or Bylaw)
<ul style="list-style-type: none"> For example, about burial, cremation, disinterment, monuments such as memorial headstones and plaques, ash scattering, and burial options available. Generally, the owner of the plot (exclusive right of burial) (the burial rights holder) must apply for the approval. Alternatively this could involve the executor, next of kin, or a funeral director (for example, if the plot owner is deceased). As a separate matter to approvals under this Bylaw, the Burial and Cremation Act 1964 (s10) enables council to sell the exclusive right of burial in perpetuity or for a limited period. The right lapses if 60 years pass after the sale without a burial taking place there. 		<ul style="list-style-type: none"> Prior council approval required to install and remove. <p>Ground Maintenance (6.1 – 6.5)</p> <ul style="list-style-type: none"> Council approval required to plant a tree, shrub, plant or other vegetation.
<p>6 Plot owner must maintain any monument, vault or mausoleum</p> <p>(1) The owner of a plot must keep any associated monument, vault or mausoleum –</p> <p>(a) in good order and repair;</p> <p>(b) safe and secure; and</p> <p>(c) in a condition that does not inhibit regular maintenance.</p> <p>(2) However, sub-clause (1) does not apply to the structure of public mausolea.</p> <div> <p>Related information about maintenance</p> <p>Click on the following link for more information about maintenance of plots.</p> <p>The structures of public mausolea are maintained by council.</p> </div>	<p>5.3 Vaults and mausolea must be kept in good repair by the holder of the Exclusive Right of Burial, or their assignee; the council may give notice, being no less than three (3) months, requiring the owner to repair any vault or mausoleum in accordance with clause 5 of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.</p> <p>5.9 Memorials and the associated plot must be kept in good repair by the holder of the Exclusive Right of Burial, or their assignee.</p> <p>6.1 The holder of the Exclusive Right of Burial or their successors must ensure:</p> <p>a) where permitted, memorials associated with that plot are safe and secure;</p> <p>b) where permitted, kerbs, enclosures, tombstones, headstones, other monuments and their base structures, are kept in good order; and memorials do not inhibit regular maintenance of the cemetery.</p>	
<p>Subpart 3 Responsibilities of people who prepare for burial, cremation, or monument work</p> <p>7 A person who prepares a casket or shroud for burial or cremation must meet certain requirements</p> <p>(1) This clause applies to a person who prepares a casket or shroud for burial or cremation (for example, a funeral director on behalf of a family).</p> <p>(2) A person must ensure –</p> <p>(a) a casket or shroud (including any base board or shroud bearer) for cremation does not contain materials or items that may cause damage to property (for example, to the cremator) or cause or are likely to cause a safety risk to any person;</p> <p>(b) a casket for interment in a mausoleum is hermetically sealed and a body prepared as required in any relevant council exclusive right of burial agreement;</p> <p>(c) for burial in a natural burial area, a body is not chemically treated or embalmed, a casket is made of chemically untreated and unprocessed material, a shroud is made of natural material, and the burial contains no non-biodegradable accessories including clothing;</p> <p>(d) they comply with any other requirements set out in any control made or approval granted by the council.</p> <div> <p>Related information about preparing a casket or shroud for burial or cremation</p> <ul style="list-style-type: none"> The council website contains more information about materials and items that may cause damage to cremators or a safety risk, and natural casket and shroud materials for natural burial. Exclusive right of burial agreements are available for viewing on the council website. </div>		<p>3.16 Where a cemetery provides for natural burials, those burials will:</p> <p>b) only use caskets / coffins made of chemically untreated and unprocessed materials;</p> <p>c) use shrouds made of natural material, if applicable;</p> <p>d) use no chemical / embalming treatment of the body;</p> <p>e) contain no non-biodegradable accessories, including clothing;</p> <p>3.22 Caskets / coffins or shrouds used in a cremation must be made of combustible material approved by the council.</p> <p>3.23 Items that are not permitted to be cremated include, but are not limited to, artificial flowers, florists' oasis, ornaments, metal, rubber, glass or plastic.</p>

Proposed amended Bylaw		Current Code (or Bylaw)
8	A person who does monument work must meet certain requirements	5.7 All above ground memorials must be installed to NZS 4242: 1995.
(1)	<p>A person who installs, modifies or removes a monument must comply with the current New Zealand Standard for headstones and cemetery monuments.</p> <div> <p>Related information about the New Zealand Standard</p> <ul style="list-style-type: none"> The current New Zealand Standard for headstones and cemetery monuments is NZS 4242:2018 Headstones and cemetery monuments. NZS 4242:2018 specifies minimum standard design criteria, performance and renovation requirements. Council grants approvals for monuments based on compliance with operational monument specifications and that the installer meets council health and safety requirements. Installers that meet council health and safety requirements are listed on the council website. </div>	
9	A person conducting physical works must withdraw in some circumstances	6.5 Any person installing or attending any work in a cemetery must withdraw for the duration of a nearby funeral service, or at the direction of the council.
(1)	A person conducting any physical works in a cemetery must withdraw from the work if it is likely to cause an interference to any person in their use or enjoyment of the cemetery, or at the direction of the council (for example, for the duration of a nearby funeral service).	
<p style="text-align: center;">Part 2 Controls and Approvals Subpart 1 Controls</p> <p>10</p> <p>Council may make cemeteries and crematoria controls</p> <p>(1) Council may make a control and set fees to regulate activities on council controlled or managed cemeteries and crematoria.</p> <p>(2) Any control made under clause 10(1) may prescribe rules and set fees for one or more of the following purposes –</p> <p>(a) interment;</p> <p>(b) disinterment;</p> <p>(c) built structures;</p> <p>(d) ground maintenance;</p> <p>(e) records; and</p> <p>(f) any other matters council considers relevant and reasonably necessary to achieve the purpose of the Bylaw.</p> <div> <p>Related information about the making of controls</p> <ul style="list-style-type: none"> There are currently no controls. All necessary rules are in the Bylaw itself, or in operational guidance for approvals under the bylaw approval framework (for example, in agreements). Council instead sets fees in the Annual Budget. Council has delegated the authority to decide “regulatory... controls associated with bylaws” to the Regulatory and Safety Committee as at [date] in the Governing Body Terms of Reference. To make a decision, council must comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002. </div>		Same wording as in current Bylaw clause 7 aside from different clause references, and reference to “council controlled or managed cemeteries and crematoria” to align with wording in burial and cremation legislation.
<p style="text-align: center;">Subpart 2 Approvals</p> <p>11</p> <p>This subpart applies to people who must obtain an approval</p> <p>(1) This subpart applies to a person who must obtain an approval for any matter specified in this Bylaw.</p>		New administrative clause.

Proposed amended Bylaw	Current Code (or Bylaw)		
<p>12 Applications for an approval must include required information and fees</p> <p>(1) A person to whom this subpart applies must make an application that complies with the requirements of the council, including –</p> <ul style="list-style-type: none"> (a) the form and manner of the application; (b) the information in the application or any further information; and (c) being accompanied by any fee. <p>(2) Without limiting (1), the council may require an application to include information on one or more of the following matters in this table.</p> <p><u>[Table not included, for brevity]</u></p>	<p>Operational guidance may include rules about the following current Code clauses, for example:</p> <table border="1" data-bbox="999 248 2096 643"> <tr> <td data-bbox="999 248 1659 643"> <p>Burial (3.1 – 3.3)</p> <ul style="list-style-type: none"> Submit information (forms, plot owner consent) and fees prior to burial. <p>Notification of Burial (3.8 – 3.10)</p> <ul style="list-style-type: none"> Notification deadline for an intended burial. Council may impose late notification charge. <p>Plots and graves (3.11 – 3.15)</p> <ul style="list-style-type: none"> Prior notification to council for a person to fill a grave. Additional burials require council and plot owner consent, and submission of prescribed forms. <p>Vaults and Mausolea (5.1 – 5.5)</p> <ul style="list-style-type: none"> Submit plans and specifications, proof of plot ownership and any fee, for council approval. <p>Memorials (5.6 – 5.14)</p> <ul style="list-style-type: none"> Submit information (forms, proof of plot ownership) and fees. </td><td data-bbox="1666 248 2096 643"> <p>Cremation (3.19 – 3.25)</p> <ul style="list-style-type: none"> Submit information prior to cremation (forms, and documents required under Cremation Regulations 1973) for approval. Notification deadline to council for an intended cremation. Council may impose late notification charge. Prior notification to council to observe the casket being charged into the cremator. <p>Ashes (3.26 – 3.30)</p> <ul style="list-style-type: none"> Plot owner consent before ash burial. Submit information and fees prior to ash scattering (forms) for approval. </td></tr> </table>	<p>Burial (3.1 – 3.3)</p> <ul style="list-style-type: none"> Submit information (forms, plot owner consent) and fees prior to burial. <p>Notification of Burial (3.8 – 3.10)</p> <ul style="list-style-type: none"> Notification deadline for an intended burial. Council may impose late notification charge. <p>Plots and graves (3.11 – 3.15)</p> <ul style="list-style-type: none"> Prior notification to council for a person to fill a grave. Additional burials require council and plot owner consent, and submission of prescribed forms. <p>Vaults and Mausolea (5.1 – 5.5)</p> <ul style="list-style-type: none"> Submit plans and specifications, proof of plot ownership and any fee, for council approval. <p>Memorials (5.6 – 5.14)</p> <ul style="list-style-type: none"> Submit information (forms, proof of plot ownership) and fees. 	<p>Cremation (3.19 – 3.25)</p> <ul style="list-style-type: none"> Submit information prior to cremation (forms, and documents required under Cremation Regulations 1973) for approval. Notification deadline to council for an intended cremation. Council may impose late notification charge. Prior notification to council to observe the casket being charged into the cremator. <p>Ashes (3.26 – 3.30)</p> <ul style="list-style-type: none"> Plot owner consent before ash burial. Submit information and fees prior to ash scattering (forms) for approval.
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<p>13 Applications are considered against relevant matters</p> <p>(1) The council when considering an application for an approval –</p> <ul style="list-style-type: none"> (a) will have regard to any matter it considers relevant and reasonably necessary to determine the application in relation to the purpose of this Bylaw; and (b) may inspect objects, materials or locations related to the application for the purposes for which the approval is given. <p>(2) Without limiting subclause (1), the council may consider an application for an approval against one or more of the following matters in this table.</p> <p><u>[Table not included, for brevity]</u></p>	<p>Operational guidance may include rules about the following current Code clauses, for example:</p> <table border="1" data-bbox="999 675 2096 1070"> <tr> <td data-bbox="999 675 1570 1070"> <p>Burial (3.1 – 3.3)</p> <ul style="list-style-type: none"> Burial location. <p>Exclusive Right of Burial (3.4 – 3.7)</p> <ul style="list-style-type: none"> Council may satisfy itself that a burial is authorised. Two-plot pre-purchase limit (council may consent to greater). <p>Notification of Burial (3.8 – 3.10)</p> <ul style="list-style-type: none"> Burial times. <p>Plots and graves (3.11 – 3.15)</p> <ul style="list-style-type: none"> Maximum of two body burials in one plot. Council may consent to greater. <p>Cremation (3.19 – 3.25)</p> <ul style="list-style-type: none"> Council approval for cremation at non-operational time. </td><td data-bbox="1576 675 2096 1070"> <p>Disinterment (4.0 – 4.3)</p> <ul style="list-style-type: none"> Conduct in accordance with Burial and Cremation Act 1964, s51. Who must be present at a disinterment. <p>Vaults and Mausolea (5.1 – 5.5)</p> <ul style="list-style-type: none"> Technical installation rules (AS 4425:1996). <p>Memorials (5.6 – 5.14)</p> <ul style="list-style-type: none"> Technical installation rules (NZS 4242:1995, placement, no above-ground like railing or fencing). Monument work only by person who meets council health and safety requirements. <p>Wāhi Tapu Māori Area (5.19 – 5.27)</p> <ul style="list-style-type: none"> Technical rules about memorial construction, size, and placement in urupā areas. </td></tr> </table>	<p>Burial (3.1 – 3.3)</p> <ul style="list-style-type: none"> Burial location. <p>Exclusive Right of Burial (3.4 – 3.7)</p> <ul style="list-style-type: none"> Council may satisfy itself that a burial is authorised. Two-plot pre-purchase limit (council may consent to greater). <p>Notification of Burial (3.8 – 3.10)</p> <ul style="list-style-type: none"> Burial times. <p>Plots and graves (3.11 – 3.15)</p> <ul style="list-style-type: none"> Maximum of two body burials in one plot. Council may consent to greater. <p>Cremation (3.19 – 3.25)</p> <ul style="list-style-type: none"> Council approval for cremation at non-operational time. 	<p>Disinterment (4.0 – 4.3)</p> <ul style="list-style-type: none"> Conduct in accordance with Burial and Cremation Act 1964, s51. Who must be present at a disinterment. <p>Vaults and Mausolea (5.1 – 5.5)</p> <ul style="list-style-type: none"> Technical installation rules (AS 4425:1996). <p>Memorials (5.6 – 5.14)</p> <ul style="list-style-type: none"> Technical installation rules (NZS 4242:1995, placement, no above-ground like railing or fencing). Monument work only by person who meets council health and safety requirements. <p>Wāhi Tapu Māori Area (5.19 – 5.27)</p> <ul style="list-style-type: none"> Technical rules about memorial construction, size, and placement in urupā areas.
<p>Burial (3.1 – 3.3)</p> <ul style="list-style-type: none"> Burial location. <p>Exclusive Right of Burial (3.4 – 3.7)</p> <ul style="list-style-type: none"> Council may satisfy itself that a burial is authorised. Two-plot pre-purchase limit (council may consent to greater). <p>Notification of Burial (3.8 – 3.10)</p> <ul style="list-style-type: none"> Burial times. <p>Plots and graves (3.11 – 3.15)</p> <ul style="list-style-type: none"> Maximum of two body burials in one plot. Council may consent to greater. <p>Cremation (3.19 – 3.25)</p> <ul style="list-style-type: none"> Council approval for cremation at non-operational time. 	<p>Disinterment (4.0 – 4.3)</p> <ul style="list-style-type: none"> Conduct in accordance with Burial and Cremation Act 1964, s51. Who must be present at a disinterment. <p>Vaults and Mausolea (5.1 – 5.5)</p> <ul style="list-style-type: none"> Technical installation rules (AS 4425:1996). <p>Memorials (5.6 – 5.14)</p> <ul style="list-style-type: none"> Technical installation rules (NZS 4242:1995, placement, no above-ground like railing or fencing). Monument work only by person who meets council health and safety requirements. <p>Wāhi Tapu Māori Area (5.19 – 5.27)</p> <ul style="list-style-type: none"> Technical rules about memorial construction, size, and placement in urupā areas. 		

Proposed amended Bylaw		Current Code (or Bylaw)
<p>14 Applications may be granted or declined</p> <p>(1) The council may grant or decline an application for an approval having regard to the matters in clause 13.</p> <p>15 Conditions may be imposed if an application is granted</p> <p>(1) Council may impose any conditions on an approval it considers appropriate to achieve the purpose of this Bylaw.</p> <p>(2) Without limiting subclause (1), council may impose conditions about any one or more matters in this table.</p> <p><u>[Table not included, for brevity]</u></p>	<p>Operational guidance may include rules about the following current Code clauses, for example:</p> <p>Exclusive Right of Burial (3.4 – 3.7)</p> <ul style="list-style-type: none"> • Council may require return of the right. • 60-year expiry (if unused). <p>Plots and graves (3.11 – 3.15)</p> <ul style="list-style-type: none"> • Only council may dig a grave. • Technical details about depth of grave. <p>Natural burial (3.16 – 3.18)</p> <ul style="list-style-type: none"> • Natural casket / shroud material and preparation of the body. • Technical details about depth of grave. • Temporary (untreated wooden) and permanent (native tree) markers. • No memorials. • If pre-purchased, plot allocated in sequence at the time of burial. <p>Cremation (3.19 – 3.25)</p> <ul style="list-style-type: none"> • Combustible casket / shroud material and prohibited items. • Council may limit number of observers of the casket being charged into the cremator for safety reasons. • No inspection of actual cremation process. • No opening of casket in crematorium except as under Cremation Regulations 1973 (Reg 10). <p>Ashes (3.26 – 3.30)</p> <ul style="list-style-type: none"> • Ash collection deadline. Council may retain uncollected ashes, in accordance with Cremation Regulations 1973 (Reg 8). • Location of ash burials; maximum number of ash burials in a body plot. 	<p>Disinterment (4.0 – 4.3)</p> <ul style="list-style-type: none"> • Empty plot without valid Exclusive Right of Burial reverts to council. <p>Vaults and Mausolea (5.1 – 5.5)</p> <ul style="list-style-type: none"> • Plot owner or their assignee to keep in good repair. • Council may require repair (section 5, Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967), otherwise may prohibit further interments. • Council may take down or remove if dangerous (section 9, Burial and Cremation Act 1964). <p>Memorials (5.6 – 5.14)</p> <ul style="list-style-type: none"> • Plot owner or assignee to keep memorial and plot in good repair. • Monument work only by person who meets council health and safety requirements. • Council may remove if in disrepair (Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967). • Council may remove unauthorised memorials. <p>Adornments (5.15 – 5.18)</p> <ul style="list-style-type: none"> • Placement on concrete beam, approved receptacles, and 14-day timeframe on plot following interment (then relocated to beam). • No breakable flower containers, or adornments that inhibit maintenance. • Council may remove unapproved adornments for maintenance purposes. <p>Ground Maintenance (6.1 – 6.5)</p> <ul style="list-style-type: none"> • Plot owner or successors must ensure memorials are safe, secure, in good order and do not inhibit maintenance.
<p>Part 3</p> <p>Enforcement powers, offences and penalties</p> <p>Related information about enforcement powers, offences and penalties</p> <p>Provision for enforcement powers, offences and penalties contained in legislation are not duplicated in this Bylaw. This includes the following provisions.</p> <ul style="list-style-type: none"> • Council powers under the Burial and Cremation Act 1964 (BCA) (as reprinted on 24 October 2019) and Local Government Act 2002 (LGA) (as reprinted on 26 March 2020) include court injunction (section 162), removal of works (section 163), seizure and disposal of property (sections 164, 165, 168), powers of entry (sections 171, 172, 173), cost recovery for damage (sections 175, 176) and power to request name and address (section 178). • A person convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000 under the LGA (section 242) (as reprinted on 26 March 2020). • The LGA provides for statutory defenses to any offense under this Bylaw (section 240). <p>Council can also use other methods as a service provider to encourage compliance, for example providing advice, information or warnings, or trespassing a person.</p>		<p>Relates to clauses 8 and 10 of current Bylaw.</p>

Proposed amended Bylaw		Current Code (or Bylaw)
16	Removal of materials or things	
(1)	Council may under section 163 of the Local Government Act 2002, remove or alter any material or thing in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.	Same wording as in current Bylaw clause 9. In addition, relates to Code clauses: 5.13 The council may remove any unauthorised memorials from the cemetery. 5.14 The council (or Wāhi Tapu Māori Komiti) may remove unapproved receptacles, ornaments or memorabilia from graves at any time to facilitate the maintenance of those graves.
Part 4 Savings and transitional provisions		
17	Existing resolutions, approvals and other decisions continue to apply	
(1)	This clause applies to things resolved, made or approved under – (a) this Bylaw prior to amendments in clauses 20(2) or (3) coming into force; (b) the Auckland Council Arataki Tikanga mo ngā Wāhi Tapu me ngā Whare Tahu Tupāpaku Cemeteries and Crematoria Code of Practice 2014 prior to amendments in clauses 20(2) or (3) coming into force; (c) Rodney District Council General Bylaw: 1998 Chapter 2 Cemeteries; (d) North Shore City Council [Part 10] Cemeteries and Crematorium Bylaw 2000; (e) Auckland City Council Bylaw No. 7 Cemeteries 2008; (d) Waitakere City Council Public Places Bylaw 2010 Part 4 [12] Cemeteries and Crematoria; (e) Waitakere City Council Urupa (Māori Burial Site) Bylaw 2010; (f) Manukau City Council Chapter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2008; (g) Papakura District Council Cemeteries Bylaw 2008; (h) Franklin District Council Cemeteries Bylaw 2008. (2) Every resolution or other decision made continues to apply until replaced or revoked by council . (3) Every approval granted that applied prior to amendments in clauses 20(2) or (3) coming into force continues to apply until the expiration date specified in that approval or until replaced or revoked by council .	Same wording as in current Bylaw clauses 11 and 13, with minor changes for clarity and to refer to Bylaw amendments. Unnecessary to include equivalent clause for current Bylaw clause 12 (about existing code of practice continuing to apply).
18	Existing compliance action to be completed under this Bylaw	
(1)	Any compliance or enforcement action by council under this Bylaw (including under the Cemeteries and Crematoria Code of Practice 2014) that was not completed prior to amendments in clauses 20(2) or (3) coming into force will continue to be completed under this Bylaw as if the amendments were not made.	
23	Interpretation	<ul style="list-style-type: none"> Combination of clause 5 of current Bylaw and clause 2.0 of current Code. Terms added or amended to better reflect current operational practice. Terms removed if not referenced in proposed amended Bylaw or if already defined in relevant legislation.