

MEMORANDUM

OA # Oasis Number

TO Mayor and Councillors
CC Executive Leadership Team
FROM Kathy Dever-Tod, Manager Parks and Reserves
DATE 22 August 2019
SUBJECT RESTORATION OF SERVICE PERSONNEL GRAVES

1. BACKGROUND

Council was approached by local historian Leanne Hickman and the president of the Palmerston North RSA, Ian Bailey, seeking permission to restore soldiers' graves within Kelvin Grove, Ashhurst and Terrace End cemeteries. They outlined the difficulty they were having obtaining consent to restore the graves, despite putting out a call to families a couple of months ago through the Manawatu Standard. They received about 25 responses and are still working through these.

The Mayor, Deputy Mayor, Councillor Rachel Bowen and the Chief Infrastructure Officer met with Leanne and Ian at the Kelvin Grove Cemetery on the 26th July to observe the headstone restoration process. At the end of the meeting, the Mayor signalled Council's support for the project.

Cemetery management, implementation of the cemetery and crematorium bylaw is delegated to the Manager Parks and Reserves. This memo provides background to the issue and the intended approach to enable the volunteers to restore soldiers' graves.

2. PROPOSED GRAVE RESTORATION PROCESS

Leanne and Ian advised Council that they intend to follow the cleaning and restoration techniques set out by the NZ Remembrance Army. These guidelines have the approval of the NZ RSA.

The process involves spraying the headstone over period of a few weeks to kill lichen and moss. The headstone is cleaned, and the engraved lettering painted over with white paint. When the paint has dried, the excess paint is scraped off using a fine bladed paint scraper. The process is simple to undertake and is therefore it would be easy to train volunteers.

The spray product used is biodegradable and all excess paint scrapings are removed off site.

The following photographs demonstrate the difference in the appearance of a headstone following restoration.



3. LEGISLATION

Section 10 of the **Palmerston North Cemeteries and Crematorium Bylaw 2018** sets out provisions with respect to monuments. There is nothing within the bylaw provisions, or the associated administration manual, which covers the maintenance of headstones. Therefore, the provisions of the Burial and Cremation Act (the Act) 1964 prevail.

Section 9 of the Act sets out powers with respect to vaults and monuments. There is nothing in this section of the Act which covers the restoration of monuments, other than subsection (h) which enables Council to make safe, take down or remove a monument it considers is a danger to persons frequenting or working in the cemetery.

Subsection (d) makes provision for families to maintain graves and monuments as follows:

Subject to the provisions of this Act, any person who has dug or made a grave or vault or erected a monument or placed a tablet in accordance with any permission granted by the local authority in that behalf, and has paid the prescribed fees, shall be entitled to maintain such grave, vault, monument or tablet according to the terms of such permission to and for the sole and separate use of such person and his representatives and successors in perpetuity, or for the title limited in such permission.

Subsection (f) makes the following provision:

The local authority may enter into agreements to maintain, either in perpetuity or for specified periods, the graves in a cemetery.

In other words, under the provisions of the Act, families and their nominees have automatic rights to maintain graves. Anyone else needs an agreement with Council.

Council could enter into an agreement, under the provisions of subsection (f) granting permission for another party to maintain graves. Caution would need to be exercised to ensure that the rights of the family to maintain the grave are not compromised by the actions of another party. For example, if Council entered into an agreement, and a grave was damaged in a clean-up process, Council would generally be held responsible for reparation costs.

Application of the NZ Remembrance Army restoration techniques would certainly help mitigate the risk described above but it would not eliminate it entirely.

4. VETERANS' AFFAIRS OPINION

The Head of Veterans' Affairs, Bernadine MacKenzie, advised Joe Hollandier that there is no blanket ruling by Veterans' Affairs, or anyone else, that no work can take place on graves in service cemeteries without family consent.

Veterans' Affairs have recently convened a group comprising representatives of the Cemeteries and Crematoria Collective (cemetery managers) and the Remembrance Army with the specific aim of agreeing on a standard template for volunteer work that covers what are reasonable steps to identify family and obtain consent, and what are good standards required to ensure that volunteers are safe and graves and plaques undamaged.

One approach for Council would be to wait until these issues had been worked through at a National level. Whilst this may provide a longer-term solution, it would not address the immediate request to Council.

5. MANAGEMENT OF THE SERVICES CEMETERY

Maintenance: Council receives an annual grant from Veteran's Affairs towards the maintenance of the Services Cemetery. The grant is based on a square metre rate, that is applied to all Services Cemeteries in New Zealand.

The annual maintenance grant is subject to a Standard of Care agreement between the two parties. With respect to the memorials and concrete berms the agreement states that:

Memorials and berms should be kept clean and free of moss and lichen, and in good repair.

Therefore, under the provisions of the agreement, Council can clean the headstones in the Services Cemetery.

Placement of headstones: The placement of headstones within the Services Cemetery, follows a different process to the rest of the cemetery. In the Services Cemetery, the RSA allocate plots and arrange for the placement of memorials. Families and/or Funeral Directors do not apply to Council for a headstone permit – memorials are of a standard design, determined by the RSA, and not the Council.

Therefore, in the designated Services Cemetery area, the management of headstones is under the control of the RSA. There are more than 500 service graves within this area at the Kelvin Grove Cemetery.

An option available to Council is to enter into an agreement with the PN RSA for the restoration of graves within the Services area of the cemeteries, without the agreement of families, given that the families have in effect already given over control of the headstone, when internment occurred within the Services Area.

6. RESTORATION OF HEADSTONES IN NON- SERVICE CEMETERIES

In the Terrace End Cemetery there are many graves of service personnel dating back to the NZ Wars, Boer War and WW1. These older graves are scattered throughout the cemetery. The stones are not of a standard design or material, and many are in poor repair. There is a greater risk of volunteers damaging these headstones compared to standard RSA approved headstones, due to the delicate nature of the stones.

It will be a lot harder for the volunteers to contact descendants of the deceased to gain permission, given the age of the graves. Council could enter into an agreement with the volunteers to maintain the graves, in accordance with subsection (f) of the Act but is not advisable for Council to enter into an agreement for restoration, until a national approach has been established.

7. PROPOSED NEXT STEPS

It is proposed that the Manager Parks and Reserves enters into an agreement with the Palmerston North RSA to enable them to manage the restoration of the graves within the Services area of the cemeteries. The agreement would include the management of volunteers, health and safety, coordination with the cemetery staff and the use of the Remembrance Army restoration techniques.

The agreement will also enable the RSA to maintain Service Personnel graves within other areas of the cemeteries. This would include weeding and spraying for lichen using approved products. The agreement would not enable the RSA to restore these headstones, unless the family of the deceased had granted permission. This would be reviewed if and when a national standard is adopted.



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Manager Parks and Reserves