

**Submission
No 36**

INQUIRY INTO FUNERAL INDUSTRY

Organisation: Shoalhaven City Council
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Date Received: 9/06/2005

Theme:

Summary



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COUNCIL REFERENCE: 32241 GL
COUNCIL FOLIO NO: *
CONTACT PERSON: Sandra Jones
YOUR REF:

6th June, 2005

The Director
Standing Committee on Social Issues - Legislative Council
Parliament House,
Macquarie St
Sydney, NSW 2000

Dear Sir/ Madam

Submission - Inquiry into the Funeral Industry

Shoalhaven City Council wishes to make a submission to the NSW Standing Committee on Social Issues Inquiry into the Funeral Industry.

Term of Reference

- 1. c) the adequacy of existing regulation of the funeral industry to protect consumers, public health and employees,**

Shoalhaven City Council Environmental Health Officers currently carry out annual inspections of all known mortuaries in the Shoalhaven. Until recently there was an annual approval issued to both Funeral Directors and Mortuary Operators by Council under the provisions of section 68 of the Local Government Act 1993. The requirement for approval has been removed from s.68 of the Act in recent years. Council has continued to inspect mortuaries to ensure that premises meet the requirements of the Public Health (Disposal of Bodies) Regulation 2002 for the protection of public health.

Approvals/ Licensing

Shoalhaven City Council recommends that there be a clear and legislated regulatory regime for Funeral Directors and Mortuary Operators. In many cases this will be the same person. The regulatory regime should include the issue of an annual approval or licence by the Local Authority or NSW Health. It should be clear in legislation which agency has this responsibility. The issue of the approval or licence must be conditional upon meeting the requirements of the Public Health (Disposal of Bodies) Regulation 2002.

The shortcoming in the current regime is that there is no clear role or responsibility for enforcement of the legislation. Funeral directors are not currently inspected by Council if they do not have a mortuary. The cancelling or withdrawal of a licence or approval is

a cost effective method for regulatory authorities to ensure compliance with legislation and protection of public health.

Clause 8 of the Public Health (Disposal of Bodies) Regulation 2002 - Vehicles

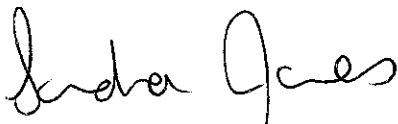
Shoalhaven City Council has had recent cause to closely review clause 8 of the Public Health (Disposal of Bodies) Regulation 2002. The vehicle requirements for a Funeral Director are not clear, as it is not defined in the legislation what a hearse or a body collection vehicle is. It is unclear as to whether a Funeral Director with 2 hearses meets the requirements of this clause.

The concern is that a body collection vehicle should be designed so that it can be effectively cleaned to remove any body exudates that may spill in the vehicle and a hearse is not generally constructed to this standard. It is Council's opinion that a Funeral Director should have at least one body collection vehicle that can be effectively cleaned and if necessary be refrigerated and one hearse that is generally used for the ceremonial transport of the body.

Shoalhaven City Council recommends that the Public Health (Disposal of Bodies) Regulation 2002 be amended to more clearly define the vehicle requirements for Funeral Directors.

If you need further information about this matter, please contact Sandra Jones, Environmental Services Manager on (02) 4429 3501. Please quote Council's reference 32241.

Yours faithfully

A handwritten signature in black ink that reads "Sandra Jones". The signature is written in a cursive style with a large initial 'S'.

Sandra Jones
Environmental Services Manager