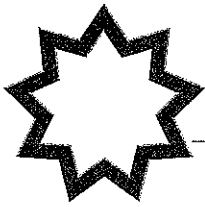


INQUIRY INTO FUNERAL INDUSTRY

Organisation: Baha'i Council
Name: Mr Farid Hatami
Position: Secretary
Telephone: 9748 1297
Date Received: 1/07/2005

Theme:

Summary



Bahá'í Council

for New South Wales and the Australian Capital Territory

The Hon Jan Burnswoods MLC
Chairperson
Standing Committee on Social Issues
Parliament House
Macquarie Street
SYDNEY NSW 2000

Attention: Ms Susan Want

Dear Ms Burnswoods

On behalf of the Bahá'í Community of NSW, thank you for the opportunity to provide comment on the inquiry into the funeral industry by the Standing Committee on Social Issues (Resolution of Legislative Council, 23 March 2005).

The Bahá'í Community of NSW appreciates the efforts of the Committee in pursuing its agenda of social development of the citizens of New South Wales, equality of access to services and benefits and promoting the welfare of the people in all areas of New South Wales. We hope that this Inquiry will establish a framework for access of all citizens to a dignified burial at a reasonable cost.

While the Bahá'í Community has no specific comment on the structure of the funeral industry we would like to advise the Committee of the general requirements of the Bahá'í Community relating to burials. Therefore we will focus on items 1(b), 1(e) and 1(f) of the terms of reference of the Inquiry.

The Bahá'í Council is happy to respond to any of the elements of its submission, should the Committee wish to pursue them.

We understand that all submissions are property of the Committee and request permission to make this open submission to the Committee available to the Bahá'í Community of NSW.

Yours sincerely

Farid Hatami
Secretary

30 June 2005

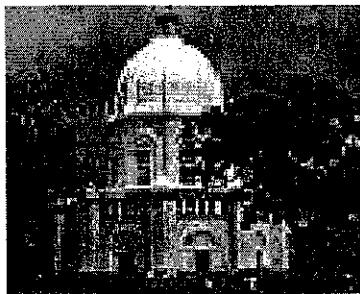
Attachment: Submission from the Bahá'í Council for NSW and the ACT

**NSW Legislative Council
Standing Committee on Social Issues**

Inquiry into the Funeral Industry

A submission by the

Bahá'í Council for NSW and the ACT



June 2005

EXECUTIVE SUMMARY

The Bahá'í Community of NSW commends the Legislative Council on its exploration of the wider community's feelings on issues that could modify government policy on the funeral industry. We suggest, however, that associated land-use planning and social justice issues are also important.

Extending beyond the primary focus of the Inquiry, the Bahá'í Council would like to advise the Standing Committee on Social Issues of the general requirements of the Bahá'í Community relating to burials. These requirements may have implications for legislation and planning regimes that can only be effectively coordinated on a state-wide basis.

The Bahá'ís are motivated by a belief in the essential spiritual nature of human existence. This has significance in our approach to life, death, dying, funerals and the time, place and conditions of burial. This involves respect for the dead without elaborate ceremony or exorbitant expenditure on transporting the body long distances for burial.

Bahá'u'lláh, the Prophet-Founder of the Bahá'í Faith, laid down the following requirements regarding burial:

- a. it is a law of the Bahá'í Faith that a Bahá'í is to be buried within one hour's journey from the place of death;
- b. it is a law of the Bahá'í Faith that a Bahá'í is not to be cremated;
- c. Bahá'ís are not to be embalmed.

Bahá'ís are strongly advised to make wills specifying that they want their funerals to be conducted under the auspices of the Bahá'í Faith and some Bahá'í communities have also initiated a program to familiarise local funeral directors with the requirements of a Bahá'í burial.

The recommendation of this submission is that the Government ensures the continuous supply of affordable burial plots within a reasonable distance of each local government area. This would allow Bahá'ís to be buried within a limited distance from the place of death.

Recommendation

1. *That the Government ensures the continuous supply of affordable burial plots within a reasonable distance of each local government area through appropriate changes to the planning regime and integrating cemeteries with other open space land uses.*

Bahá'í Council for NSW and the ACT
June 2005

Standing Committee on Social Issues

Inquiry into the Funeral Industry

Submission from the Bahá'í Community of NSW

Introduction

In September 2004 the NSW Legislative Council Standing Committee on Social Issues invited comment to its inquiry into the funeral industry. The Bahá'í Community of NSW has been invited to make a submission to the Inquiry and in doing so wishes to provide the Standing Committee with background to the Bahá'í Community's approach to funerals and burial.

Bahá'í funerals have only limited prescribed ceremony and can be facilitated by the family of the deceased or the Local Spiritual Assembly of the Bahá'í community in which the deceased lived. The practical aspects of the funeral can also be undertaken by any funeral company.

Extending beyond the primary focus of the Inquiry, we would like to advise the Legislative Council, through the Committee, of the general requirements of the Bahá'í Community relating to burials. These requirements may have implications for legislation and planning regimes that can only be effectively coordinated on a state-wide basis, therefore we will focus on item 1(b) and to a lesser extent on items 1(e) and 1(f) of the terms of reference of the Inquiry.

Terms of Reference, Item 1(b) the availability and affordability of burial spaces and options for increasing the supply of spaces

The main focus of this submission will concern the long-term availability of affordable burial plots.

Terms of Reference, Item 1(e) the adequacy of legislation in meeting community needs

Following the issue raised under 1(b) this submission recommends appropriate changes to legislation, policy and administrative procedures to ensure the long-term availability of affordable burial plots.

Terms of Reference, Item 1(f) any other relevant matter

Other relevant matters will include the background for Bahá'í burials that then flow on to the issues above.

The Bahá'í Community in NSW

The Bahá'í Community now comprises Bahá'ís located in more than half the local government areas (LGAs) in the State. Bahá'ís in NSW come from a variety of ethnic and religious backgrounds but at present a significant percentage are Iranian migrants, some having arrived as refugees. There are several Bahá'í communities that are predominantly indigenous and these are located in the central and far west of NSW.

In all LGAs where the number of Bahá'ís is nine or more, the community elects a Local Spiritual Assembly to administer the affairs of the community. There are currently 67 Local Spiritual Assemblies in NSW. A summary profile of the Bahá'í Community in NSW can be found at Attachment 1.

The Bahá'í Teachings on Death and Burial

Bahá'ís are motivated by a belief in the essential spiritual nature of human existence. This has significance in our approach to life, death, dying, funerals and the time, place and conditions of burial. This involves respect for the dead without elaborate ceremony or exorbitant expenditure on transporting the body long distances for burial. Respect is shown to the body after death because it has served as the “temple of the soul”.

Bahá'ís believe in life after death, but as a change of condition, rather than place. Death may come suddenly, but like birth, death is an open door to a new and greater life. To consider that after the death of the body the spirit perishes is like imagining that a bird in a cage will be destroyed if the cage is broken. Though the body dies, the human soul continues to exist in a new condition without the limitations of this material world.

Bahá'í laws on burial are essentially simple in nature. Bahá'u'lláh, the Prophet-Founder of the Bahá'í Faith, laid down the following requirements regarding burial:

- a. it is a law of the Bahá'í Faith that a Bahá'í is to be buried within one hour's journey from the place of death;
- b. it is a law of the Bahá'í Faith that a Bahá'í is not to be cremated;
- c. Bahá'ís are not to be embalmed.

The distance of one hour may be calculated from the city limits of the city or town in which the deceased passed away, and may be for any method of conveyance. It is most important to bear in mind the spirit of the law, which is that the body should be buried as soon and near to where the deceased passed away as possible.

The requirement for burial rather than cremation has implications for an on-going need for affordable burial plots, “within one hour's journey from the place of death”. This has implications for planning at the State Government level, especially for the Sydney Metropolitan Area, even though most cemeteries in the state are planned and managed by local government.

The requirement for not embalming the body also implies burial within a short period after death, although refrigerated storage in Australia allows some flexibility in this matter.

Relationship of Bahá'ís to the Funeral Industry in NSW

In general, the family of a deceased Bahá'í has a direct relationship with a chosen funeral director. In the case of the deceased not having family the local Bahá'í community will undertake the family responsibility.

Bahá'ís are strongly advised to make wills specifying that they want their funerals to be conducted under the auspices of the Bahá'í Faith or at least in conformity with its requirements and they should make this known to their Local Spiritual Assembly, to their own relatives, and the executor of the will while they are still alive. The letter should also

include reference to leaving the body to medical science or the donation of organs, if applicable.

Some Bahá'í communities have also initiated a program to familiarise local funeral directors with the requirements of a Bahá'í burial.

The Funeral Industry in NSW

The Bahá'í Community is grateful that the Government and the wider community have established a system of respectfully catering for the physical remains of citizens. This does not mean that the existing burial regime cannot be improved, which is the major focus of this Inquiry.

The Bahá'í Community has no specific comment on the structure of the funeral industry in NSW, however, we are hopeful that this Inquiry will establish a framework for access of all citizens to a dignified burial, at a reasonable cost.

Recommendation

- 1. That the Government ensures the continuous supply of affordable burial plots within a reasonable distance of each local government area through appropriate changes to the planning regime and integrating cemeteries with other open space land uses.***

It is our view that all people, regardless of personal circumstances, are entitled to a dignified burial. The recommendation of this submission is that the Government ensures the continuous supply of affordable burial plots within a reasonable distance of each local government area. This would not only allow Bahá'ís to be buried within a limited distance from the place of death but would help to ensure equality of access to a dignified burial for all people in NSW. It is also a Baha'i requirement that bodies are buried in single graves rather than multiple burials in the same grave. This may also have implications for the amount of land that is required to be allocated for future cemeteries.

Under normal circumstances provision of burial plots and the maintenance of cemeteries is a Local Government responsibility. This is not effective in metropolitan areas where land for cemeteries is seen as too valuable to commit to this use and some 40 metropolitan LGAs have limited flexibility in allocating land for cemeteries. Inner metropolitan cemeteries have, to a large extent, become an historic artefact. Under these circumstances state action is required. This may require changes to the planning regime and integrating cemeteries with other open space land uses.

Already legislation allows for "recycling" land used for cemeteries that are over a century old. This is integration in the dimension of time. But the concept can also be integrated with other open-space land uses. In some rural areas coastal reserves near towns contain cemeteries and prevent urbanisation of the coastal strip, maintaining community access to peaceful beauty spots.

The development of newer forms of cemeteries, particularly the lawn cemeteries and bushland cemeteries, has been an important innovation in multiple land use. Lawn cemeteries have become major local beauty spots and the conversion of old cemeteries to parkland under the *Conversion of Cemeteries Act 1974* was a particularly important innovation by the NSW

Government. In some cases bush cemeteries have developed into pseudo botanic gardens, complete with species lists of the native plants to be found in the cemetery.

Green space between major urban areas can be designated for future cemeteries and the flow of bushland to cemetery, to parkland and to bushland again can be one way of ensuring the long life of inter-urban green space.

It appears that much of this recommendation could be implemented under existing NSW legislation, particularly s26 of the *Environmental Planning and Assessment Act 1979*, s128 of the *Crown Lands Act 1989* and Part 3 of the *Crown Lands (General Reserves) By-law 2001*. It is obvious that this recommendation requires a full exploration of the concept, considering traffic flows, water demands and impact on the water table, bushfire control measures and other social and environmental factors, all in partnership with relevant local government bodies.

The critical element of this recommendation, however, is a government initiative to enact legislation, develop policy and implement administrative procedures to ensure a constant flow of affordable burial plots in NSW.

Bahá'í Council of NSW and the ACT
June 2005

Profile of the Bahá'í Faith and the Bahá'í Community in NSW

The Bahá'í Faith

The Bahá'í Faith is a worldwide religion with more than five million members around the globe.

Bahá'ís strive to realise the teachings of Bahá'u'lláh (1817-1892), the founder of their faith. Born a member of a leading noble family in Persia, Bahá'u'lláh turned His back on status and wealth to devote His life to promoting the unity of all people. He is regarded by Bahá'ís as the most recent in a line of messengers of God that includes Abraham, Moses, Buddha, Krishna, Zoroaster, Jesus and Muhammad.

For Bahá'ís, the purpose of life is to know and worship God, and to contribute to the wellbeing of the society around them. Daily prayer and meditation free the soul from attachment to the material world and lift us up to the realm of the spirit. The Bahá'í teachings state that work performed in the spirit of service is also a form of worship. Accordingly, Bahá'ís initiate and participate in a wide range of social and development activities. They promote principles such as the eradication of prejudice, the equality of women and men, abolition of extremes of poverty and wealth, education for all, and the establishment of world peace. Bahá'ís are encouraged to join with others in playing a full part in the life of society.

More extensive information about the Bahá'í Faith can be found at the official international Bahá'í website, (<http://www.bahai.org>) and the Australian Bahá'í website (<http://www.bahai.org.au>).

Bahá'í Principles

- Abandonment of all forms of prejudice
- Equal rights and opportunities for women and men
- Elimination of extremes of poverty and wealth
- Recognition of the common source and essential oneness of all the world's great religions
- The eternal nature of the soul and the essential spiritual nature of life
- Universal education
- Responsibility of each person to search independently for truth
- Establishment of a federated system of world government, based on principles of justice and collective security
- Harmony of true religion with reason and the pursuit of scientific knowledge
- Encouragement of high moral standards in personal life.

The Bahá'í Faith in NSW

The Bahá'í Faith was introduced into NSW in the early 1920's and there are now Bahá'ís living in more than half the local government areas (LGAs) in the State. Bahá'ís in NSW come from a variety of ethnic and religious backgrounds but at present a significant percentage are Iranian migrants, some refugees. There are several Bahá'í communities that are predominantly indigenous and these are located in the central and far west of NSW.

The NSW Bahá'í community is guided by the Bahá'í Council for NSW and the ACT. This nine-member Council is elected from the adult population across NSW, the ACT and Norfolk Island (three state and territory jurisdictions).

Infrastructure

The obvious infrastructure of the Bahá'í Community in NSW comprises -

- (i) the House of Worship at Ingleside (above Mona Vale),
- (ii) the National Bahá'í Centre, also at Ingleside,
- (iii) the Sydney Bahá'í Centre at Silverwater (also Seat of the Bahá'í Council for NSW and the ACT and the Bahá'í Centre of Learning for NSW and the ACT)
- (iv) the Yerrinbool Bahá'í Centre of Learning (a national institute at Yerrinbool, near Mittagong), and
- (v) local Bahá'í Centres in some LGAs such as Sutherland.

The less obvious infrastructure comprises elected Local Spiritual Assemblies in all LGAs where the number of Bahá'ís is nine or more. There are currently Local Spiritual Assemblies in 67 of the 165 LGAs in the state.

Another arm of the regional Bahá'í administration is the Bahá'í Centre of Learning for NSW and the ACT, which administers the educational activities of the Bahá'í Community.