

Submission
No 29

INQUIRY INTO FUNERAL INDUSTRY

Organisation: Wray Owen Funeral Directors
Name: Mr Ian Strathie
Position: Managing Director
Telephone: 44232333
Date Received: 27/05/2005

Theme:

Summary



Wray Owen Funeral Directors

Thursday, 26 May 2005

SOCIAL ISSUES COMMITTEE

27 MAY 2005

RECEIVED

Ms S Want
Director
Standing Committee on Social Issues
Parliament House
Macquarie Street
Sydney 2000

Reference: Legislative Council Inquiry into the Funeral Industry

Good Morning,

Please find attached my personal submission for the above inquiry.

Yours Sincerely,

Ian Strathie
Managing Director

Wray Owen [NSW] Pty Limited
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Wray Owen Funeral Directors

Submission

To the

NSW Parliament

Legislative Council

Standing Committee on Social Issues

Inquiry into the Funeral Industry

Submission made by

Ian Strathie
Managing Director
Wray Owen [NSW] Pty Limited
50 North Street
Nowra NSW 2541
02 4423 2333



Wray Owen Funeral Directors

1. Wray Owen Funeral Directors is a privately owned Australian Company, which has been trading in the Shoalhaven area for over fifty years. We are one of three independent funeral directors in Nowra and conduct approximately 55% of funerals in the local area. In an industry that essentially lacks a mandatory regulatory regime, our company endeavours to foster best practice within the industry by providing our staff with training, guidelines and standards, whilst closely monitoring and responding to community expectations regarding the manner in which deceased persons and their families are served.
2. In order for our company to maintain current knowledge and to ensure compliance and maintain prescribed standards of professionalism, we are members of the Australian Funeral Directors Association [AFDA]. The Association's constitution describes the AFDA's mission (Appendix 1.1), entry to membership and corporate governance management, to which we subscribe.
3. All members of the Association are also required to comply with a Code of Ethics and Practice Statement (Appendix 1.2) for continuing membership. Membership is also conditional on the maintenance of premises, equipment and vehicles, which are inspected regularly by field officers of the Association (Appendix 1.3)

Scope of the Submission

4. The terms of the Inquiry are very broad and this submission will primarily address local issues that affect the ways in which Wray Owen Funeral Directors conduct our business.
5. Although Ian Strathie is the Managing Director of the Company, and is a member of the Funeral Industry Council [FIC], and the State President of the Australian Funeral Directors Association [AFDA] , this submission reflects the Wray Owen position and not necessarily the views or opinions of either the FIC or AFDA



Changes in the funeral Industry

6. Our society is constantly changing both with the generational demographic change, 'baby boomers' and 'gen x, gen y factor', and the multicultural makeup of our community.

Associated with the change there has been a noticeable shift in the physical requirements placed on funeral directors, by the families we serve.

7. There are two basic fundamental principles that the majority of funeral practices have in common: -
 - a. The life of the deceased being acknowledged, and also celebrated by some form of funeral rite.
 - b. The importance of the disposal of the body of the deceased whilst being treated with reverence and respect, and complying with legislation and regulation.
8. In our company, traditionally the time to conduct an average funeral is three hours, [12 man hours], whereas just in the last three months we have had several funerals where funerals services have virtually been all day events requiring up to 8 staff. This does include services that were sub-contracted out.

Some of the requirements included, arranging horse and carriage, video, printing, p.a. systems [24 man hours plus production time], police escorts, catering, people control, one congregation had 1300 mourners another 800.
9. Funeral directors are now acquiring the skills of event coordinators, as the style of funeral is changing and requirements of families become more demanding

Pricing Practices

10. We suggest that pricing practices are adequately covered by existing consumer legislation through the Office of Fair Trading - the NSW Consumer Protection Agency.

Market forces and competition will always determine market price.



11. The local area experiences a strong consumer practice of telephone quoting, where families 'shop around'. This feature is increasing with the consumer being made aware their rights in brochures and guides such as Fair trading guide [Attached].
12. Part of the requirements of membership to AFDA is to offer an essential care type funeral, [Appendix 1.2 paragraph 5.5] at a low cost. This we do, and our data indicates that the public have only used this facility rarely and this constitutes less than 1% of volume.

Cost Increases

13. To obtain a cost comparison over the past ten years, our company selected three date points. June 1995, June 1999 and June 2004. Several funerals were selected, then same or similar costs items were compared. The table below shows the price movements for the period

Item	Average % Increase pa NO GST	Average % Increase pa GST applied	
Service fees	3.31%	4.79%	Note a
Coffin / casket	3.50%	5.00%	Note b
Cremation fees	4.85%	6.50%	Note c
Doctors	2.68%	4.09%	Note d
Registration	5.75%	7.5%	Note e
Clergy / celebrant	25.73%	29.7%	Note f / g
Cemetery fees	2.86%	4.2%	Note h

Notes

a. Includes all basic fees including :-

- i. Transfer of deceased,
- ii. All funeral arrangements
- iii. Viewings
- iv. Conduct of funeral service
- v. No cars, No catering

b. This is an 'average' gloss flat lid coffin



- c. Includes chapel hire but no disposition of ashes
 - d. This a payment for a statutory form required for every cremation
 - e. The fee to obtain a certified copy of the registration of death
 - f. The original fee was \$50.00 for clergy to conduct a funeral, today with the advent of celebrants this could be as high \$300.00 this calculation was based on \$198.00 incl.
 - g. Not included in these calculations is the practice of some main stream churches charging fees for administration, organist, hire of church, cleaning, and printing adding upwards of approximately \$250.
 - h. This includes purchase of a 'right of burial' for a lawn grave, the plaque, and the first interment.
 - i. Floral tributes were not evaluated as the range was considered too wide, varied and highly subjective.
14. Our service fee has increased by 3.47% for 2002 / 2003, and 4.57% for 2003 / 2004, this is directly attributed to an increased level of service requirements, and more importantly increased levels of insurance, fuel costs, wages [not salaries] vehicle costs.
15. It is envisaged that with increasing levels of service that there will be a corresponding increase in cost. [paragraphs 7 and 8]
16. Most people compare the cost of a funeral at the bottom line level, Funeral 'A' cost \$4,400.00 and funeral 'B' cost \$9,000.00, there is no dissection or comparison given to the actual service provided. Apples need to be compared with apples and not oranges.
17. There are several items on an a funeral account, two of which are service fees and disbursements, our definitions are: -
- a. Professional Service Fee
 - i. Includes being available to serve the family and community 24 hours a day every day
 - ii. Providing trained personnel, and professional care advice and services
 - iii. Providing fully licensed and registered mortuary facilities, and modern funeral home facilities.



- iv. Supplying professional vehicles for transfers, funerals and mourners.
- v. Includes the transfer of the deceased into our care, day or night.
- vi. Arranging all funeral details, for example, press, cemetery clergy doctors, and coordinating all other groups of people and individuals required to complete the service.
- vii. Covers all operating expenses of the business for example, wages, salaries, insurance, workers compensation, maintenance costs of facilities and vehicles, marketing and stationery, supply of utilities, and uniforms. This list is not exhaustive.

b. Disbursement Costs

- i. These are all the costs associated with a funeral and are incurred for the provision of services or goods, that are not usually provided by the funeral director, Examples of these items are:- flowers, press notices, clergy, cemetery fees, catering charges, doctors charges, musicians, venue hire, and this list goes on and on as well.

18. GST has affected the bottom line, by 10% of all funeral invoices, and there is no offset from other tax considerations.

Competition, Integration and Ownership

- 19. Ten years ago there were only two family owned funeral businesses, operating under several business names, in Nowra.
- 20. Recently, a third low cost competitor has started trading in Nowra, apparently without any local facilities, an inquiry was made of the local council [Appendix 1.4] a response is yet to be received. The issue is really to do with fair competition, the level playing field.

Burial Sites, availability and pricing



21. The local area is well served for burial sites for many years to come. We have issues with perpetual rights of burial, as it is apparent that there is a considerable stock of land that is owned by families, who opt for cremation and never release the grave for future use.
22. Limited tenure would alleviate this situation.
23. The cost of burial sites has increased over the past decade by inflation due to our local council policies.

Existing regulation - consumer protection public health and employees

24. Our company have always been advocates for a mandatory regulation, and a minimalist system of licensing. This would secure the rights of the family and protect the consumer.
 - a. This would ensure: -
 - i. that families and the deceased are treated with dignity and respect;
 - ii. that the principal of all funeral companies are held accountable for their companies actions;
 - iii. Firms within the industry would comply with occupational health and safety standards; and
 - iv. Regulations and standards of public health are met.
25. There are currently over 13 different statutes, regulations, bylaws and guidelines that affect the funeral industry Appendix . And yet there is no single Government Department that is responsible for the overall effective control of the industry.
26. There is no benchmark for industry conduct. Rules and regulations are flouted in the knowledge that no one at any Government level proactively monitors the industry.
27. There is no meaningful process of investigation or punishment which only exacerbates problems within the industry.



Role, Structure and Function of Funeral Industry Council

28. I have been a member of the Funeral Industry Council [FIC] representing AFDA for a period of nearly two years. I have been constantly frustrated by the apparent lack of action and commitment to establish the working mechanisms for the FIC to operate. My frustration stems from the constant demands placed on the Council to put in place mechanisms for 'cheap funerals', by non industry workers, and to give new entrants into the funeral industry free range without any regard for consumer health protection, the education and protection of workers, the establishment and inspection of operators facilities.
29. The role of FIC as seen by AFDA is to develop an accreditation scheme for funeral directors, to develop standards for the funeral industry to follow, and to implement a registration scheme. The FIC has made a submission to the Hon Morris Iemma, MP, Minister for Health, for his consideration.
30. Our company see the role of FIC as the embryonic working group that will eventually establish an accreditation system for all funeral directors, and be the gate keeper of consumer rights.

Legislation - community needs. Funeral directors needs

31. The key areas of concern for our company are: -
- a. the management of public health risk, and infection control
 - b. The education of all funeral industry workers,
 - c. the need for management of the funeral industry from a proactive single identity, which is the State Government or recognised by the State Government
 - d. Unclear demarcation of responsibilities between cemeteries, crematoria and funeral directors in meeting the requirements of the family, particularly with OH&S practices.
 - e. Maintaining and observing Consumer rights.



There are many horror stories within the funeral industry and being an emotive time for families draws immediate media attention, once they are aired. The rogues and charlatans in the industry need to be exposed and dealt with. But unfortunately there is no proactive mechanism to achieve this.

32. In relation to paragraph 30.c. our company is still waiting for a response to an on going matter with the Funeral Industry Liaison Officer in the Health Department, an e-mail was sent from our office on 06th May 2005 requiring a quick response with no reply to date. Departments seem to vacillate over issues knowing that we will give up in the end.
 33. AFDA has been instrumental in the review and drafting of new Legislation for Tasmania. AFDA Victorian Division has a submission before the Victorian Parliament for the 'Regulation of the Funeral Industry in Victoria'.
 34. Members of AFDA are also part of the 'Funeral Industry Regulation Working Party (Queensland)', a committee established to determine 'Best Practice in the Funeral Industry'.
 35. So important are these issues to the AFDA, that one of the six underlying pillars of the AFDA's Strategic Plan is a commitment to actively pursue government regulation of the industry.
- These are just some of the reasons our company belongs to AFDA.



Recommendations

36. That all Acts, Legislation, Regulation and guidelines be maintained under the

auspice of a Minister of parliament. Some of the current legislation is:-

- a. *Public Health Act 1991;*
- b. *Public Health (Disposal of Bodies) Regulation 2002;*
- c. *Funeral Funds Act 1991;*
- d. *Necropolis Act 1901;*
- e. *Crown Lands Act 1989;*
- f. *Conversion of Cemeteries Act 1974;*
- g. *Births, Deaths and Marriages Registration Act 1995;*
- h. *Protection of the Environment Operations Act 1997;*
- i. *Environmental Planning and Assessment Act 1979;*
- j. *Local Government Act 1993;*
- k. *Fair Trading Act 1987;*
- l. *Trade Practices Act 1974 (Cwlth);*

37. That all the above pieces of Legislation and Regulation be drawn together as a single definitive piece of legislation, relating specifically to the Funeral Industry

38. That a minimalist mandatory licensing system be instituted. [FIC Model].

39. That an accreditation system be created and implemented, to ensure the ongoing education of funeral directors, similar to the accountants CPA system.

40. That an Industry Control Board be established [Funeral Industry Council], to: -

- a. **monitor, and report regularly to the Minister on the condition of the Industry,**
- b. **operate and enforce the conditions of the proposed licensing and accreditation system.**

41. That a Consumer Complaints Tribunal be established to: -

- a. **Hear complaints from consumers**
- b. **Formulate decisions and actions pertaining to the complaint**
- c. **Make recommendations to Industry Control Board for immediate implementation.**



List of Appendices

- 1.1 AFDA Mission Statement and Corporate Strategy**
- 1.2 AFDA Code of Ethics and Practice**
- 1.3 AFDA Standards for Equipment and Vehicles**
- 1.4 Wray Owen letter Shoalhaven City Council - New entrant concerns**

Australian Funeral Directors Association

MISSION STATEMENT

Promoting professional funeral standards

GOALS.

AFDA will:

1. Represent the professional interests of members;
2. Promote high ethical standards;
3. Create a professional identity for funeral directors by establishing standards of practice;
4. Provide and encourage participation in structured training to meet recognised standards;
5. Promote recognition of AFDA;
6. Provide networks for the interchange of ideas between members and with relevant organisations;
7. Monitor developments relating to the funeral profession;
8. Expand the resources of the Association.

AFDA CORPORATE STRATEGY

The AFDA recently developed Key Objectives in conjunction with a Corporate Plan. The Corporate Plan is designed to implement the AFDA Objectives.

The Objectives are as follows:

- To encourage membership retention and growth
- To be financially viable
- To implement public awareness and marketing of the AFDA
- To increase the professional standards of our members
- To implement high educational standards
- To represent AFDA members to Government and Industry with an authoritative voice

Australian Funeral Directors Association

1 AFDA CODE OF ETHICS & PRACTICE

- 1.1 Funeral Directors provide a service of considerable importance to the relatives of the deceased, and make arrangements for clients who may be in an emotional state. They must adopt the highest standards, both in assisting the client choose a funeral, and in providing a reliable and dignified funeral according to the wishes of the client.
- 1.2 To foster good practices in the industry, the Australian Funeral Directors Association has drawn up this Code of Ethics and Practice. The Australian Funeral Directors Association requires its members to honour the provisions and spirit of the Code. Any member of the Association who is found to be in breach of any of its provisions may be reported to a Divisional or National office for appropriate action.
- 1.3 The Code applies to all services provided by Funeral Directors in connection with a funeral. The Code is summarised in the Code of Ethics and Practice Statement which members are encouraged to display on their premises.
- 1.4 This Code of Ethics and Practice has been prepared by the Australian Funeral Directors Association. In the event of any inconsistency between this Code and any Law of a State or Commonwealth, the Law shall prevail.

2 CODE OF ETHICS & PRACTICE

- 2.1 Members of the Australian Funeral Directors Association agree to honour the spirit and provisions of the Code and as subscribers to the Code to hereby affirm and accept willingly the responsibilities and privileges that are implied by membership of the Association. They are:-
- 2.2 To maintain in all matters the highest standards of business, professional and personal conduct.
- 2.3 To respect in all circumstances the confidentiality and trust placed in us by our clients and members of the public.

- 2.4 To ensure that staff is qualified and competent.
- 2.5 To ensure that facilities are adequate for all services rendered to the community.
- 2.6 To provide information concerning the range of services available, the prices of these services, and the functions and responsibilities accepted on behalf of our clients
- 2.7 To give a written estimate of all funeral charges and disbursements to be made on a client's behalf at the time of taking instructions, or as soon as is practicable.
- 2.8 To respect the personal choice of clients and have regard for their diversity of beliefs in religious and cultural practices
- 2.9 To ensure that all advertising is in good taste and directed to informing the public.
- 2.10 To be thoroughly conversant with the laws of the land as they apply to funeral service and allied industries and professions.
- 2.11 To provide access to a client advisory service with conciliation and arbitration arrangements available to help resolve any disputes which arise between members and their clients.

PRINCIPLES OF THE CODE

3 GENERAL AND PROFESSIONAL CONDUCT

- 3.1 The confidence of every client shall be strictly observed at all times.
- 3.2 Members shall always render professional service and make fair charges in respect of services rendered and merchandise supplied. They must never exploit a client in the difficult circumstances following a bereavement. They must at all times seek to provide the best possible service for the charges made
- 3.3 No member shall conduct himself at any time in a manner likely to prejudice his professional status as a Funeral Director or the reputation of his profession.

- 3.4 A member shall not solicit funeral orders nor employ any person to do so on his behalf, nor shall he either offer or give any reward for recommendation.

4 ADVERTISING

- 4.1 Advertising shall always be in good taste, be clear and honest. No sensational, offensive or undignified advertising is permitted. Price advertising should not be considered offensive provided it is not misleading or conducted in a sensational manner.

5 INFORMATION

- 5.1 Members will provide clients with full and fair information about their services. The Funeral Director must explain to his client the types of funeral he has to offer, and their cost and relate these to the wishes and needs of the client. He must use his best endeavours to ensure that the client understands the range of services offered and their prices and also any known disbursements, for example cemetery /crematorium fees, etc., which are additional to the Funeral Director's charges.
- 5.2 The Funeral Director will advise the client that all statutory requirements in respect of registration of death will be undertaken by the Funeral Director. He shall give information as necessary on the availability of social security benefits, and on the fact that a deceased person may be covered by death benefits under contributory health schemes.
- 5.3 Every subscriber to the Code will have readily available to clients a Price list or leaflet which covers merchandise and services provided. The price list or leaflet must be designed to be readily comprehensible by the client and will include information on: -
- 5.3.1 services available
 - 5.3.2 coffins and caskets; and
 - 5.3.3 the price the funeral director sets for an Essential Care Service
- 5.4 Funeral directors should enable the client to take away an estimate or leaflet covering this information, should the client wish to study it in private or consult a relative.

5.5 Essential Care (Direct Disposition) Service

5.5.1 An Essential Care (Direct Disposition) Service is one of no ritual.

5.5.1.1 It comprises **only** the following:

- i. Arrangement for disposition of the body;
- ii. Transfer & storage of the body at the funeral director's mortuary within a radius of 30 kilometres;
- iii. Minimum preparation of the body;
- iv. Supply of a fully lined coffin and shroud;
- v. Completion of all necessary legal requirements & documentation for burial or cremation.
- vi. Delivery of the coffin to the cemetery or crematorium within a radius of 30 kilometres at the convenience of the funeral director.
- vii. Cemetery and crematorium fees and doctor's fees will be charged at invoiced price.

6 ESTIMATES AND INVOICES

6.1 Written estimate of all funeral charges and disbursements to made on a client's behalf shall be given at the time of taking instructions, or as soon as is practicable.

6.2 Members will always provide the client with an itemised account which will include all disbursements made on the client's behalf.

7 FUNERAL DIRECTING TRAINING AND EDUCATION

7.1 The Australian Funeral Directors Association should provide suitable training through courses in funeral directing, management, embalming, religious and cultural practices and other aspects of the provision of funeral services.

8 PUBLICITY

8.1 Members will display on their premises the Association symbol to publicise their observation of the Code of Ethics and Practice.

8.2 They are encouraged to display that Code.

9 COMPLAINTS

- 9.1 The Australian Funeral Directors Association provides a client advisory service available to help resolve any disputes which arise between members and their clients.
- 9.2 Problems may be referred to the Divisional or National offices listed in the Telephone Directory.
- 9.3 Funeral Directors should ensure that all complaints are handled speedily, equitably and sympathetically.

10 FACILITIES

- 10.1 Each Member shall have such facilities as are considered adequate by the Association.



REQUIRED STANDARDS FOR PREMISES, EQUIPMENT & VEHICLES

STANDARDS

These standards are the required standards for premises, equipment and vehicles (PEV) for AFDA membership.

AFDA has an established policy regarding required standards for premises, equipment and vehicles that all members must meet.

The criteria for the required standards for premises, equipment and vehicles is outlined below.

1. GENERAL STATEMENT

Appropriate standards for facilities and practice in funeral service are necessary to:

- comply with all local, state and Commonwealth Occupational Health and Safety standards;
- comply with all local, state and Commonwealth public health standards; and
- enable funerals to be arranged and conducted in accordance with the needs and wishes of client families.

1.1 REGISTRATION, LICENSING AND PERMITS

The funeral business must have a registered business name and should possess all registrations, licences and permits as may be currently required by local, State and Commonwealth governments in the place(s) where the business conducts its business.

1.2 Where local, State or Commonwealth government standards exceed AFDA required standards, funeral directors shall meet those government standards.

2. PREMISES

2.1 Member firms of AFDA shall maintain at least one premise which incorporates:

- a funeral chapel and/or viewing room
- mortuary facilities **
- a hearse
- a transfer vehicle

- other facilities in accordance with the required standards set out within these guidelines

**Compliant mortuary facilities can be secured by way of adherence to the AFDA Policy to sub-contract Mortuary Premises and/or Services.

2.2 Where a business operates more than one branch, these branches must not be more than a four-hour-return journey from your mortuary facility.

2.3 Where a funeral business operates from facilities leased from a third party for the storage, preparation and/or embalming of bodies, any arrangement with third parties must be by written agreement.

2.4 Alternate Premises

Funeral directors must not use premises, other than those that comply with the required standards for equipment and facilities as set out in these guidelines for the storage, preparation and/or embalming of bodies.

The facilities of a hospital or nursing home should not be used for the purpose of funeral directing, except for the transfer of deceased persons from such hospitals or nursing homes.

3. Mortuary facilities

3.1 Site of Premises - The mortuary site shall be located as to maintain public decency and health.

3.2 Service Connections

- The mortuary shall be connected to a permanent water supply in compliance with the requirements of the local water supply authority.
- A physical discontinuity in the water supply shall be fitted to outlets to which hydro aspirators are or could be connected. This must comply with local government requirements.
- The mortuary shall be connected to a water carriage sewerage system approved by the local authority.

3.3 Mortuary/Body Preparation Area & Public Areas of Premises

3.3.1 The mortuary shall be physically separated from all public areas of the building in which it is situated but may be integral with the construction of the remainder of the building.

3.3.2 A body preparation area shall be located in the mortuary area.

3.4 Mortuary/Body Preparation Area Requirements

The mortuary/body preparation area shall have:

- A floor area of not less than 9.3 square metres.

- A ceiling height of not less than 2.4 square metres measured above the finished floor level.
- The floor constructed of impervious slip resistant material with a smooth unbroken surface and uniformly graded to discharge liquids to a floor drain.
- All mortuary/body preparation areas must have a floor drain discharging through a removable screen so as to prevent the discharge of any solid material to the drainage system.
- All walls and partitions constructed of impervious materials with a smooth unbroken finish capable of being readily cleansed.

3.5 Joints between the floor and walls or partitions

3.5.1 In mortuary facilities all joints between the floor and walls or partitions must be kept sealed and water resistant so as to facilitate cleansing and avoid build up of contaminants.

3.6 Any external windows that can be opened must be fitted with fly proof screens.

3.7 Any external doors must be fitted with self closing fly screen doors or other suitable apparatus to prevent the entry of insects, vermin and other animals.

3.8 Mortuary/Body Preparation Area, Fittings & Equipment

The body preparation room shall be provided with:

- At least one sink with an adequate supply of hot and cold water and fitted with elbow, sensor remote or foot operated taps.
- Mortuary table(s) and fixtures for body preparation which are/is constructed of smooth impervious material and so designed as to facilitate draining and cleansing.
- Refrigerated body storage facilities must have sufficient capacity for the storage of at least two adult bodies.
- The refrigerated body storage facilities shall be maintained permanently at an internal temperature of three degrees Celsius, plus or minus two degrees Celsius.
- The refrigerated body storage facilities shall not be used for any purpose other than the storage of bodies.
- All refrigeration surfaces should be impervious and easily cleaned.

- Eye wash facilities (eg eyewash bath with saline solution is sufficient, (as long as the saline solution does not exceed the expiry date).
- First aid kit that must contain items as specified in relevant State Occupational Health & Safety Legislation.
- Sterilization equipment (eg: disinfectant, heavy duty bleach or suitable commercial product).
- Power outlets suitably designed for use in "wet areas". Wet areas and hosing down areas require waterproof power outlets (IP56 series) to be installed.
- **Lighting** should be of sufficient intensity to be consistent with mortuary body preparation procedures and should, preferably, incorporate natural lighting.
- **Ventilation** - When chemicals are used in the mortuary ventilation fan/s must be installed to facilitate removal of offensive odours and fumes from the worker's breathing zones. Fresh air to enter near ceiling level, with extraction as near as possible to floor level and should have effective cross air table movement.

In all instances where embalming is carried out below table legs extraction of gases must be achievable in accordance with Local Government requirements and Occupational Health & Safety Legislation.

Refer to State Occupational Health & Safety legislation (including HazChem Exposure Standards) for required standards. National or State Standards for Air Exchange Rates may apply.

In mortuaries where no chemicals are used an extraction fan that removes offensive odours is adequate

- **Hazardous Chemicals -**
Safe storage of hazardous chemicals - refer to the corresponding Act in the respective State and Territory.

Handling of hazardous chemicals – refer to relevant Material Safety Data Sheet (MSDS) for each chemical.

3.9 Waste Disposal

- 3.9.1 One or more impervious containers, (yellow bag/container labelled as contaminated waste) each fitted with a close fitting cover or lid, shall be provided in the body preparation room for the reception and storage of all solid wastes (not sharps) arising from the preparation of bodies and the screenings from the floor drains.

3.9.2 Contaminated waste in yellow bag/container labelled as contaminated waste and fitted with a close fitting cover or lid must be transferred by a company holding a current Trade Waste Permit.

3.9.3 In isolated areas where contaminated waste is transferred to a hospital for disposal, please attach packaging, handling and transport procedures when transporting waste to the hospital. Please provide documentation verifying that the Hospital is prepared to accept and dispose of contaminated waste.

3.9.4 All solid wastes arising from procedures carried out in the body preparation room shall be identified and disposed of as contaminated waste in an approved manner according to local government acts and regulations.

3.9.5 Sharps" (scalpels, needles, etc) must be placed in properly identified sharps containers and disposed of in a manner consistent with sound infection control practice.

4. *EMBALMING*

4.1 Embalming of a body shall only be carried out in a compliant mortuary.

4.2 Embalming shall only be carried out in accordance with State and Territory Government Regulations and/or Guidelines

5. **Toilet & Ablution Facilities**

5.1 At least one toilet for persons working in or about the mortuary.

5.2 Shower facilities approved by the local authority, with an adequate supply of hot and cold water, for use by persons working in or about the mortuary.

5.3 A hand wash basin, with an adequate supply of hot and cold water, adjacent to each toilet in the mortuary.

6. *FUNERAL VEHICLES*

6.1 **Vehicle Area**

Funeral vehicles such as hearse, transfer vehicle must be garaged in a secure and appropriate location.

6.2 An enclosed vehicle reception area or garage shall be provided adjacent to and with direct access to the body preparation room.

6.3 The design of the enclosed vehicle reception area or garage shall ensure that the transfer of uncoffined bodies to or from any vehicle in the area or garage is screened from public view.

6.4 **Hearse**

Members must have a well presented hearse in roadworthy condition. It need not be a vehicle specifically built as a hearse but the vehicle

presented as the hearse must have an efficiently operating roller device and coffin/casket clamping facility.

6.5 Transfer Vehicle

Transfer vehicles must be suitable for the purpose for which they are used. They must be fitted with blinds, treated windows or suitable screening to ensure that vision into the body storage area is blocked from external view.

"The vehicle should be built so that the stretcher compartment is sealed and separate from the driving/passenger compartment" see page 12, Section 2.1 Infection Control Guidelines for the Funeral Industry 1992 AFDA.

This can be achieved by installing either a fixed, sealed barrier between the driver and the compartment or installation of a portable fully enclosed capsule.

6.6 The transfer vehicle must contain at least the following:-

- a) Disposable gloves.
- b) Heavy duty gloves.
- c) Protective overgarments (torso and limbs).
- d) Overshoes (waterproof).
- e) Waterproof aprons.
- f) Masks and eye goggles.
- g) Disinfectant hand solution, paper towels and soap.
- h) Ordinary laundry bags.
- i) Plastic laundry bags (with ties) for blood contaminated linen.
- j) Plastic ordinary waste bags (with ties).
- k) Plastic infectious waste bags (with ties).
- l) Disposable paper towels for cleaning.
- m) Hypochlorite disinfectant solution.
- n) Small first aid kit.
- o) Packs of padding, plastic, etc, suitable for dressing wounds on bodies to prevent leakage.
- p) Plastic sheeting for wrapping bodies and waterproof tape for the sealing of wrapped bodies.
- q) Special containers for transporting babies.

Refer - taken from page 29, Appendix 1, materials for transferring a body, Infection Control Guidelines for the Funeral Industry 1992 AFDA.

6.7 Dual Purpose Vehicles

Transfer vehicles may be used as hearses, provided they meet the standards of section 6.4 above.

6.8 Hearses may be used as transfer vehicles, provided they meet the standards of 6.5 above.

6.9 Young Children - Transport

A funeral director may use for other purposes a station wagon or sedan type vehicle which has been used to transport the body of a stillborn child or a child under the age of three years.

6.10 Vehicle Cleanliness

A funeral director's vehicle used for the transport of the deceased shall be thoroughly and routinely disinfected and:

- (i) if the vehicle has been contaminated with body exudates, immediately upon its return to the mortuary; and
- (ii) before sale or other disposal of the vehicle.

7. QUESTIONS & INTERPRETATIONS OF THESE GUIDELINES

Should funeral directors have any queries about any of the above items please contact the Membership Co-ordinator.

**Membership Co-ordinator
Australian Funeral Directors Association
PO Box 291
East Kew, Vic 3102
Tel: (03) 9859 9966
Fax: (03)9819 7390
Email: membership@afda.org.au**



Tuesday, 29 March 2005

Mr Trent Swan, - Acting Senior Environmental Health Officer

Shoalhaven City Council
Bridge Road
Nowra NSW 2541

Dear Trent

Reference: The Public Health (Disposal of Bodies) Regulation 2002
Local Government Act 1993 (Mortuary Standards)
Local Government (Orders) Regulation 1999 (Mortuary Standards)
Publication Guidelines for the Funeral Industry - NSW Health

In response to your letter of 10th March 2005 FOI Application

The reason for my call to our local Health Inspector was primarily not of a complaint but to relay the concerns and queries stated by members of the public, in an endeavour to obtain answers to questions, relating to the possible health risk to the public, and the establishment of a funeral home in a residential area.

Firstly my credentials are that, I am a member of the Funeral Industry Council, as established by NSW Health Minister Knowles, and the NSW and ACT President of the Australian Funeral Directors Association, and have a sound knowledge of the above references. In both organisations, we are constantly made aware of business people establishing funeral homes, some with and without facilities, as required by the above references.

Overview.

'The goal of the Regulation (ref 1.1) is to ensure that human bodies are managed in a safe and hygienic way after death so that they do not pose any health risk to the public'

In the Publication Guidelines for the Funeral Industry, published by NSW Health, (ref 4) Premises for handling bodies page 3, it states that 'a body must be prepared for burial or cremation, and placed in a coffin only in a mortuary that has been approved under Local Government Act 1993 (Mortuary Standards)(Clause 5.1)'

Whilst Clause 10 (Retention of bodies) of The Public Health (Disposal of Bodies) Regulation 2002, states that 'a funeral director must keep a body either in a mortuary or a holding room'.

Public Concerns.

In recent months I have been approached by: -

1. a very close neighbour, who wishes to remain anonymous, of Mr. Robert Wright of Princess Highway, Bomaderry, asking the question and expressing concerns that Mr Wright could be conducting a Funeral Business from his residence at Bomaderry.
2. Nursing home staff and hospital staff, asking questions ' ..Where does Sacred Funerals keep the bodies?'

*Providing
Professional
Funeral Services*

Wray Owen
[NSW] Pty Limited
50 North Street
NOWRA NSW 2541
Phone [02] 4423 23333
Fax [02] 4423 2300
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info@wrayowen.com.au



I have been told that: -

1. Until recently there was large signage on Mr Wright's property advertising 'Sacred Funerals'
2. There are vehicles on site that are industry specific, that have been seen leaving the residential site with what appears to be coffins in the vehicles, and curtained vehicles with undisclosed items behind the curtains also entering and leaving the site
3. Local print media supports that Sacred Funerals, is owned and operated by Mr Robert Wright.
4. Mortuary registers also show that Sacred Funerals has transferred several deceased persons from hospitals, nursing homes and respite care facilities.

On a professional note, I am concerned that persons can establish a funeral home, in any area in New South Wales and the local Health authority is not aware of it. The Regulations are very descriptive and prescriptive in relation to deceased persons, and perhaps the issue of licensing and registration needs to be addressed further.

I appreciate that this Council will continue to inspect funeral home premises annually.

I look forward to your reply so I can inform the parties concerned and allay any fears or misconceptions they may have.

Yours Faithfully,

Ian Strathie

Cc Mr Rob McLean, - Freedom of Information Officer

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