

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

INQUIRY INTO THE FUNERAL INDUSTRY

At Sydney on Monday 5 September 2005

The Committee met at 9.30 a.m.

PRESENT

The Hon. J. C. Burnswoods (Chair)

The Hon. Dr A. Chesterfield-Evans

The Hon. K. F. Griffin

The Hon. C. J. Lynn

The Hon. R. M. Parker

The Hon. I. W. West

CHAIR: The Committee has been quite busy. This is our third hearing in Sydney. As some of you may know, in the past two weeks we have been to Port Macquarie and Broken Hill to talk to people about the funeral industry and related matters. Today we have cemetery trusts, various religious and cultural groups, Unions New South Wales and InvoCare, which is quite a variety.

LEE ROYSTON SQUIRES, Executive Manager, Joint Committee of Necropolis Trustees, corner Hawthorne and Field Avenues, Rookwood, sworn and examined:

CHAIR: On whose behalf are you appearing?

Mr SQUIRES: On behalf of the Joint Committee of Necropolis Trustees.

CHAIR: Did you receive the questions we prepared as a guide?

Mr SQUIRES: Yes, I did.

CHAIR: Before we get into those, would you like to make an opening statement?

Mr SQUIRES: Yes. I notice that a lot of the questions centre on Rookwood, which is a very large area. I have brought in a number of brochures showing a coloured map of Rookwood, which is one of the largest public areas in Sydney.

CHAIR: Most of us probably have been there at some stage or another, so we would have a rough idea of it. Is there anything you would like to say by way of introduction?

Mr SQUIRES: It is very good that the Committee is inquiring into the shortage of land for public cemeteries in Sydney. It is in critical supply. There are a lot of issues that have been raised already in government circles about the shortage. I understand that the Committee is focusing mainly on costs and pressures on those costs, so I will try to focus my answers that way for you.

CHAIR: Our first couple of questions, how is Rookwood managed and what is the role of the Joint Committee, and our second question about how much space is available will give you a chance to open up the issues you mentioned.

Mr SQUIRES: I have had a short time to prepare some answers, and I would be quite happy to provide written replies to some of these, if the Committee would like. Rookwood occupies 286 hectares. As you will see on the map it is roughly 1¼ miles deep and a mile wide. It is one of the largest public spaces in Sydney. It is divided into 13 separate managed areas. There are six cemetery trusts, the Joint Committee itself being another organisation and the Australian War Graves. There are five denominational cemetery trusts managing the buried areas and a general cemetery trust that manages quite a number of other religions and non-religious people. Each of the six trusts has its own body of trustees, and management of the general trust has been combined with the Anglican Cemetery Trust since 1878. The organisation dates from the mid nineteenth century, and it is covered by its own Act of Parliament. There is also a general crematorium, which came into effect in 1926. Matters of common interest to all those organisations are dealt with by the Joint Committee under its brief.

The role of the Joint Committee, moving on to the second question, has existed in its current form since a revision of the Act in 1988. Its brief is to cover basically all infrastructure items, in effect cover items of interest to one or more trusts in Rookwood. The Joint Committee composition is made up of representatives of each of the cemetery trusts plus four appointees by the Minister, being the Minister for Lands or the Minister looking after the Crown Lands Act. The trusts are autonomous. They are covered by the Crown Lands Act, and the Necropolis Act has been amended recently to show clearly that it creates the Joint Committee, which is a unique organisation being a two-tiered trust system. It is quite unique in Australia.

CHAIR: What sorts of people does the Minister appoint, experts in particular areas?

Mr SQUIRES: The four appointees are a representative of the Department of Lands, usually a senior officer, an appointee from the company that owns the private cremation company; an appointee from the National Trust and from the Heritage Council of New South Wales. To give some dimensions as to where its money goes, the Joint Committee looks after some 18 kilometres of roads within Rookwood. There is a large water supply system, which it built and operates about 4.9 kilometres of pipes work in there and 19 meters. It also has an enormous sewer system to save cemetery land. The fence alone around the place is nearly seven kilometres long. There is 10 kilometres of canal and a residual area not allocated to the trusts in the order of 28 hectares.

The replacement value of the Joint Committee assets in its last annual report was \$26 million. The Joint Committee raises its money in two ways, principally, by levying the trust—it gets about 50 per cent of its income from that—and it raises rent from the land for the crematorium, which comes to it by virtue of the Necropolis Act. The total income for the Joint Committee, which is expended on an annual basis within Rookwood, is in the order of \$1.7 million. Occasionally we pick up heritage grants because the site has great heritage value.

CHAIR: Who owns the crematorium?

Mr SQUIRES: The crematorium is registered in the name of the New South Wales Cremation Company, which is the pioneer company with cremations. Currently it is owned by InvoCare, which is a public company. It has been bought and sold quite a few times over the years.

CHAIR: What is the percentage between burials and cremations?

Mr SQUIRES: At present the percentage of cremations is around about 46 per cent of the services that are conducted within Rookwood.

CHAIR: Is that trending up?

Mr SQUIRES: That trend does not compare with the majority of Sydney. The majority of Sydney is in the order of 65 per cent cremations.

CHAIR: Has it risen at Rookwood or has it stayed the same?

Mr SQUIRES: The trend is downwards. The number of cremations that are levied by the Joint Committee is on top of the rent paid by the crematorium. The number is on a steady decline.

CHAIR: Do you know why that is?

Mr SQUIRES: It is hard to say exactly what the reason is for that downward trend. There is a slight trend upwards across Sydney, but at Rookwood the trend is downwards. It has been for some years.

CHAIR: How much space do you have? What are the dimensions of the problem?

Mr SQUIRES: That is a fairly complex question to put a number on. There are many factors in estimating what land has been used. At Rookwood different trusts have different ways of burying. For instance, the Jewish Cemetery Trust and the Muslim Cemetery Trust bury one to a grave in each episode. It is easy to work out or predict how much land has been used and make a prediction on the rate of usage. The larger trusts, such as the Anglican and General Trust and the Catholic Cemetery Trust and the Independent Cemetery Trust have fairly large areas. The largest is in the order of 250 acres, about 83 hectares. They have different capacities, according to the type of burial.

For instance, the Anglican and General would have capacity for second burials whereas the Catholic Cemetery Trust would have capacity for second burials and also aboveground burials. Those issues complicate any predictions about how much land is left. It makes it rather difficult to predict beyond, say, the future of the Jewish and Muslim trusts with any particular accuracy. Everything is "about", if you like. Even if we say that the cemeteries will be full, we might say they look full but in fact we know that second burials take a great deal of time to take place. For instance, in the northern

part of Rookwood is the old ground where the last burial right in the Anglican sold in about 1921 and the last burial took place in the 1990s, and that was a second interment.

With cemeteries, apart from the Jewish and Muslim trusts, where they actually have a finite area, they do not come to a stop. The larger trusts will dwindle and that will put quite a lot of pressure on the future costs. It is best to take up those details with the trusts themselves. The question often comes up about future land. The Joint Committee has been involved in that ever since the question was first raised. Consequently my estimates, which may vary from the trusts' estimates, would be that the Muslim trust will be filled about 2007-08; the Jewish trust about 2019-20; the independent trust sometime after 2070; the Catholic trust sometime after 2040; the Anglican and General sometime after 2100.

Those figures could be revised with a knowledge of current trends. The figures I have quoted are based on 2001-02 base figures. It gives an overall idea. We can safely say that there is a limited capacity at Rookwood and there has to be action taken through legislation and whatnot to maximise the capacity that is left.

CHAIR: On your map you have marked two areas as "future general cemetery". How does that affect your calculation?

Mr SQUIRES: The one on the left-hand side at the bottom was a piece of railway land that was added to Rookwood during the 1990s. That has a capacity for 8,000 burials. The Joint Committee is currently involved in development of that block to a point where it can be handed to the general cemetery so it can turn it into cemetery. It represents probably the biggest single area of public cemetery left, in terms of capacity. It will take quite a long time to realise that 8,000 because there are quite a number of easements including electricity and gas lines, et cetera, that crisscross the land. The area on the right that is marked "future general cemetery" is crisscrossed with easements. It is also completely affected by the Threatened Species Conservation Act, which affects Rookwood.

Basically, it is sitting there as a reserve, if you like, mainly for vegetation, sitting under electricity lines. There is no immediate plan for burial there. The burial areas that are affected by the Threatened Species Conservation Act take away a sizeable piece of the reserve at Rookwood. They are affected until 2012 on the current plan. The net area that is affected that could possibly be used for cemetery is about 15 hectares and in addition there is about seven hectares that have vegetation on them which will be given over to cemetery.

CHAIR: The bottom left area on your plan, will that be made available to those groups whose space is to run out soon, particularly the Muslim group?

Mr SQUIRES: Yes, once it is operating as general cemetery it is virtually open to all religions. There have been representations by the Muslims to the Joint Committee about where to find land. I add that the Joint Committee has a management systems role with the Muslim Cemetery Trust, so we help interpret some of the day-to-day problems they have in the main cemetery. Of course, the question of land comes up quite frequently. We certainly recommend they make approaches to the General Cemetery Trust to reserve areas for future use.

CHAIR: The general cemetery is run by the Anglican trust?

Mr SQUIRES: Yes, there is a general cemetery trust, but they both work out of the same office. In effect, it is the one trust.

CHAIR: The Committee's questions about the trust's view of options for addressing the shortage of burial sites include vertical interment, renewable tenure or revocation of unused sites. All of that would be in the light of the Threatened Species Conservation Act and some very old areas may well be the areas that are most important?

Mr SQUIRES: The property management plan, which is derived from the Threatened Species Conservation Act, includes quite a number of burial areas where vegetation has grown back over them over many years. The Committee's third question asks for views on the shortage of burial space, vertical interment, and revocation of unused burial sites. I am not sure that anyone seriously is

suggesting vertical interment, it is rather awkward for exhumations. There are other drawbacks too, but I will leave that for other people to talk about.

The legislation permitting the revocation of unused burial sites that are 60 years old is generally helpful, but it is limited by a lot of practical problems within old cemeteries. The typical ones are having a monument that surrounds two graves, one of which is used and one is not. The trust has to contemplate what to do with the monument and that sort of thing. That question is best addressed by the cemetery trusts.

CHAIR: To make it clear, which legislation deals with revocation?

Mr SQUIRES: Currently it is under regulations of the Crown Lands Act.

CHAIR: The Necropolis Act deals with basically Rookwood issues?

Mr SQUIRES: The main thrust of the Necropolis Act is to create the Joint Committee and the lease for the crematorium, whereas the trusts are affected by the Crown Lands Act and regulations. One of those options is very important, and that is renewable tenure. The needs for public cemeteries in the greater metropolitan area are so great now that whatever the cogency of objections, renewable tenure is the only feasible policy that will help address the shortage of burial space. Over the years government departments have looked for land and not found it or other departments have claimed it for themselves. There certainly does not seem to be any substantial land left in the Sydney Basin. Cemeteries are not included in future planning exercises. For instance, when the plan for Sydney 2001 came out there was no mention of cemeteries. Cemeteries tend to be forgotten but they provide a finite source of assistance for the whole public.

The Hon. KAYEE GRIFFIN: You mentioned the threatened species legislation and the future general cemetery section. Are there other such areas within Rookwood?

Mr SQUIRES: Yes there are, but they are not shown on this map. They affect trusts in different ways, some are affected more than others by the legislation in terms of the percentage of land that is being clogged up in the property management plan.

The Hon. KAYEE GRIFFIN: Would older sections, for instance the old Catholic and Anglican sections, have threatened species issues?

Mr SQUIRES: None in the old Catholic section. There is one at the top of the blue area of the map, the Anglican area. There are a couple of blocks at the top where vegetation has grown over the top of the cemetery and that is now part of the property management plan. That is partly visible from the passing railway line. Another substantial area is shown pink on the plan, where the green and the pink meet on the left-hand side of the plan.

The Hon. KAYEE GRIFFIN: Near Haslem Drive?

Mr SQUIRES: Yes, between Haslem Drive and the word "Independent", there is a long strip there that is affected by the property management plan.

The Hon. KAYEE GRIFFIN: They are the only areas, other than that marked "Future general cemetery"?

Mr SQUIRES: They are the main areas, there are some smaller areas around the cemetery. There is another area that overlaps the blue and the pink areas in the centre, between Hawthorne Avenue and the word "independent", in the middle of the plan. There is a handful of small patches about there.

CHAIR: While talking about how much land is left, what about spots for interment of ashes in the crematorium section?

Mr SQUIRES: There is really no critical shortage of space for interment of ashes. The crematorium has ample space for monumentation. All those cemeteries had many places where they can put small columbariums for ashes.

CHAIR: Is that in a wall or in a rose garden-type—

Mr SQUIRES: It could be either way.

CHAIR: The walls presumably take up less space?

Mr SQUIRES: Yes. The trusts have a whole menu of different options there that they can use for internment of ashes. In terms of space, when you look overseas you find that some of the crematoriums in some of the densely populated parts of the world have cremated millions of people over more than 100 years or so, so crematoriums do not cause any space pressures really; they can keep going vertically. The thing that drives burials in Sydney, I think, is really the waves of migration into Sydney. Some cultural groups have a strong preference for burials. The ones that the Joint Committee is closely associated with, of course, the Muslim Trust, they will not tolerate any cremation at all, whereas most of the other religions all have a leakage to cremations.

CHAIR: We had better move on. Arthur, did you want to go through the questions on costs? We may come back to some of these other issues.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You have said that the crematorium changes hands as a commercial transaction irrespective of the trust ownership.

Mr SQUIRES: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have figures of changes in prices of cremations over time?

Mr SQUIRES: No. The Joint Committee does not get too closely involved with what any of the organisations charge for their services. The Joint Committee helped rationalise all of the costs of Rookwood in 1991 to establish what the basic services were and that list of basic services became the criteria later for the department to approve each year. So the Joint Committee is now quite remote, I think, from what organisations charge. It is better to address questions of costs to the actual organisations themselves.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That has not proved easy.

CHAIR: They are all coming today.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You said you set up some basic criteria after 1991?

Mr SQUIRES: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What exactly was that?

Mr SQUIRES: That was to establish such things as the cost of a basic burial right, meaning what might be called a standard burial right, the basic standard cost of minimal type burial arrangements, which was possibly a lawn grave with a standard monument on it, just to establish some basic services that could be used then by the government to approve each year. But of course at that time it allowed the trusts to have a whole menu of options such as burial places in other places, select burial places, et cetera, and it gave the trusts a free hand to cost those as they saw fit.

While we are on that question I might just move to the other side to costs rather than charges because I think it needs to be understood that cemeteries, as I mentioned earlier, when they are nearly full will still have to provide a service. Even when they reach a stage when they become uneconomic inasmuch as they just will not be selling very many burial rights, they will still have to handle the odd burial demand as it comes in.

CHAIR: We had quite a bit of evidence from Hastings Council about the closed cemeteries in their area but burials are still taking place.

Mr SQUIRES: I guess that is what I am trying to describe now. They still have to maintain a sexton and a sexton's services and normally what you would expect in that scenario is that they will start to pool their resources in a place like Rookwood and start to share some of those services there to keep costs down. A trusteeship will have to be maintained for the closed cemetery and all that the trusts will be left with basically is what they have in the bank to maintain something in perpetuity. So I think there is a strong case for the trusts to build their banks up inasmuch as there is no relief anywhere in sight from any government legislation or funding for Rookwood.

Also, Rookwood carries an extra level of complexity above other cemeteries because of its nature and the use that the public put it to; it has a lot of functions apart from just burials. The public are already using it for passive activities because it is such a large space, and I will not try to go through all of that now because they are all highlighted in the current Rookwood plan of management.

CHAIR: It is quite a popular place for picnics, is it not?

Mr SQUIRES: That is right, that sort of thing, and walking and exercise and all that sort of thing. So there is an overlay of other functions at Rookwood which will always have to be maintained, and it is unthinkable to let the whole of Rookwood become economically unviable. It has had its bare periods. For those who remember Sydney, say in the eighties, Rookwood was an area where a lot of the public were not happy to go to at all. It has managed to turn around and build up public esteem, but it comes at a cost.

CHAIR: Can you tell us something about the costs that the Joint Committee incurs?

Mr SQUIRES: In broad terms, as I mentioned, the budget of the Joint Committee is around about \$1.7 million. Of that, just in broad terms, around about \$400,000 or \$500,000 goes out in maintenance; about \$300,000 to \$400,000 in what we could call overheads, and the balance goes out for works, which is really reconstruction of the rationalisation of the road system, graves system, et cetera, and we have got other services in place.

CHAIR: Have your costs increased in any substantial way?

Mr SQUIRES: Our levy increases around about the CPI each year. So we have been fairly steady in our levies from the trusts. The rent has gone up in steps and stairs.

CHAIR: The rent for the crematorium?

Mr SQUIRES: The rent from the crematorium land has gone up and that forms about 50 per cent of the Joint Committee income.

CHAIR: You have had quite a bit of use of corrective services lately?

Mr SQUIRES: Yes, we did. We had the largest weekend detainee scheme operate for about nine years and they were working backwards and forwards over the old grounds just doing basic gardening and overgrowth control.

CHAIR: Has that stopped now?

Mr SQUIRES: It has been diminished greatly. That work was with the co-operation of the trusts and, of course, as the level of maintenance improved the amount of work diminished a bit so the trusts thought that they would take it on themselves. Consequently, the Joint Committee is still running the scheme but it is a much smaller one working with the Independent Trust, and the Joint Committee draws on them to do other works.

CHAIR: Do you pay corrective services for the labour?

Mr SQUIRES: No.

CHAIR: Do they pay you?

Mr SQUIRES: No. Our cost is really for costs for the provision and the maintenance of equipment that is needed by all the people that work on the scheme. It was not a bad scheme while it lasted.

CHAIR: Is there anything else you need to tell us about the costs of burials? You said ask the trusts specifically those questions.

Mr SQUIRES: I think they are the best people to ask questions on costs.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Coming back to your seven criteria: have they set an industry benchmark at all in terms of pricing?

Mr SQUIRES: No. They set an industry one back in 1991. That was referring to when we set these sorts of basic services up?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes.

Mr SQUIRES: That was rationalised from literally dozens of costs that some of the trusts had been charging and it got around a lot of bureaucratic delay in as much as, for instance, trusts have a rate for a certain group that were using a certain part of their cemetery and another rate for another group, and then on top of that there were complexities of whether it was monument or not monument sections, et cetera. Basically we ignored all that to establish what could be called basic costs, which was centred mainly on wall graves.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Did that allow you to compare what the costs were in each section? Why did you bother doing that if things were being run by these autonomous trusts?

Mr SQUIRES: To help the trusts in as much as they did not have to submit a long list of charges and the department agreed just to accept a shorter list of the standard charges, which meant that the standard list of services could be dealt with much more quickly. That was the theory of it at the time. I am not sure what has happened since then.

CHAIR: I am not sure we are clear on the exact role of the department or the Joint Committee in a supervisory role.

Mr SQUIRES: The Joint Committee helped convene the meetings at that stage and a formal report was sent to the department.

CHAIR: Would the department, for instance, have been able to say, "This trust is charging too much"?

Mr SQUIRES: No, I do not think that was said. It would be best to ask the trusts that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: When you say the department approved the charges, which department, and has it ever had approval or disapproval powers on what elements of the funeral and burial industry is charged?

Mr SQUIRES: The Lands Department was the only department that was concerned with this exercise and the Lands Department received the lists from the Trusts and the Joint Committee basically took a backward step out of the exercise having established this—

CHAIR: The Committee still has not established why the department or the Joint Committee was doing this and what it led to. You said it made it easier.

Mr SQUIRES: I think the principal reason for that back in the early nineties was it tidied up a very messy arrangement that the trusts had with the department. As I mentioned, the trusts had this whole plethora of costs for all sorts of things: all had to be approved by the department and the department used to wait each year until it had all this information from each trust before it operated. What happened was that the trusts, who were anxious to perhaps make an increase, were finding they had to wait two or three years for the Department to address the matter.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So the department was approving all these sub trusts, as you say, the ones for different religions and ones within those different areas of prestige or type of grave, and they were being submitted to the Department of Lands, which then said yes or no to them. So there was a price control system on it, was there?

Mr SQUIRES: Yes.

CHAIR: Which has now gone?

Mr SQUIRES: I am not privy to whether the department said no or yes to those prices.

CHAIR: But what we are trying to get straight is it did have the power? Did the Department of Lands have the power to say yes?

Mr SQUIRES: The Department of Lands does have a power in regard to establishing these basic costs.

CHAIR: But it is not one that it exercises?

Mr SQUIRES: It is one which it does not exercise too tightly. There is also a similar exercise for the cremation costs too.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So they have to be approved by the Department of Lands?

Mr SQUIRES: I do not know that they have to be but they are approved by the Department of Lands.

CHAIR: We will take that up with them.

Mr SQUIRES: It is probably best to take that up with both the department and the trusts themselves.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have a public interest objective in the objectives of your trust? How do you pursue that in terms of costs?

Mr SQUIRES: The Joint Committee certainly has an interest in the public at large in keeping costs down. That is balanced against the fact that the infrastructure of the place is basically a service to the public in as much as we still have, say, dirt roads. Eventually they will have to be built into proper roads so that people can access new burial grounds. The Joint Committee has this role of providing services to the public at the optimum price. The Joint Committee levy on the trust, which currently is about \$142 per service, as I mentioned earlier, the levy and what is called the approved sum are a complex set of figures but they are generally in line with the CPI each year. We thought that was reasonable—

CHAIR: If we need to we might get back to you to get them on a piece of paper.

The Hon. ROBYN PARKER: Can you tell us a little more about the review that is being undertaken?

Mr SQUIRES: Yes, a management review was undertaken by the department. I understand that it was commissioned by the department itself. Consultants have been conducting extensive reviews and inquiries with the trusts over the last several months. The final report is due in about

October. The Joint Committee and the trusts do not expect to see that report: it will go straight to the department. Ostensibly, that is a review of the management system that exists within Rookwood at the moment.

The Hon. ROBYN PARKER: How do you manage complaints? Do you handle them or are they referred to relevant government departments?

Mr SQUIRES: When people try to address Rookwood they often get confused. They think there is just one unit. If they have a complaint and they look on the telephone book they will see that the Joint Committee is on the top of the list. So we often hear about those complaints early. The ones who have a complaint about a grave will know to go directly to a trust. It is hard to say what percentage or the nature of the complaints the Joint Committee hears compared with the nature of complaints with various trusts. But we do receive quite a number of public inquiries. Some are about complaints. We usually direct the parties on how to address the various trusts according to the nature of the complaint, including the crematorium too.

The Hon. ROBYN PARKER: We have had a lot of evidence about the different government departments that manage the industry. Should there be one government department that takes a lead role?

Mr SQUIRES: Running cemeteries could easily fall under the Department of Health and the Public Health Act. But with Rookwood there are so many other issues that the public health department would not be appropriate for looking after such a large land area. The lands department has traditionally looked after Rookwood in regard to all its complex issues, plans of management, et cetera. It is usually the Minister responsible for Crown lands who has had Rookwood on his desk. It has been that way since the mid-nineteenth century.

The Hon. ROBYN PARKER: Does that work or do you think it could be improved with a different department—

Mr SQUIRES: The biggest problem is the diminishing public service to support us. Rookwood currently has something like more than 40 trustees in separate trusts. They are all honorary: they provide their services free of charge. If that cost had to be recovered in other ways it would be quite enormous. On the other hand, Rookwood cannot just be fenced off and forgotten about. Because of its complexity it needs support from the Government—just for the mere fact that you have honorary trustees who need legal advice from time to time. That is one issue.

The Hon. ROBYN PARKER: Something that is raised with me quite a lot—it may have been dealt with already—but do you have unmarked graves for babies that have been stillborn, for example? How is that situation managed?

Mr SQUIRES: It varies from trust to trust. Some are covered by cultural traditions and others are covered by a formal management policy of the trust. I suggest that because of the variety it is probably best to take that up with individual trusts. I might mentioned that a unique thing about Rookwood is that it is probably receiving most of the destitute burials and cremations in Sydney. That causes an extra cost to the trusts and the crematorium which we would expect would not be found in other, smaller cemeteries.

CHAIR: If you know little about people who died destitute does that mean that the Joint Committee itself handles the burial?

Mr SQUIRES: No, the Joint Committee does not handle any burials apart from keeping the management assistance to the Rookwood Cemetery Trust.

CHAIR: What do you do? Do you hand it over to the general reception list?

Mr SQUIRES: There is a government contractor on the funeral side who will select where they want to have the destitute buried under State contracts.

CHAIR: Are there any religious or cultural groups particularly outside the ones that are specifically named in the trusts that create any issues for the Joint Committee?

Mr SQUIRES: Representations are made by some of the—let us say the orthodox groups, for instance. There are 200-odd of those in Sydney. They are spread amongst the old denominational trusts.

CHAIR: So if you are Greek Orthodox or Russian Orthodox—

Mr SQUIRES: You may end up in two different places at Rookwood.

CHAIR: Which ones?

Mr SQUIRES: The Russian Orthodox could end up being buried in the Anglican cemetery or the Independent cemetery. If you are Greek Orthodox you would probably end up in the Independent cemetery. Macedonians would end up in the Anglican cemetery.

CHAIR: Why is that?

Mr SQUIRES: Because over the years the different cultural groups have approached those trusts to reserve land or an area that can be identified for their particular style of grave. They have struck an arrangement between their religious leaders and the trust about the size and cost of that land and they use it and it develops from there.

CHAIR: What about Buddhists, for instance?

Mr SQUIRES: Buddhists and most of the Asian religions end up in the general cemetery. In fact its characteristic is mainly Asian and has been for a very long time. There are some 100 different cultural areas in Rookwood that are identified by style of monuments or by other characteristics, with a central monument or something of that type.

CHAIR: Does the Joint Committee handled decisions as to where they would be?

Mr SQUIRES: No, that is handled by the trusts. They allocate land as they see fit to different groups. The Joint Committee is only involved in those sorts of things if we have to be co-ordinated about it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have many advance purchases and do you put the money in a trust to keep your maintenance money, as you would say?

Mr SQUIRES: I believe there are a lot but the Joint Committee is at arm's length from that. The trusts have their own arrangements about preselling.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there only one crematorium?

Mr SQUIRES: There is one crematorium at the moment. That is the one that pioneered cremation. The Act was changed at the end of last year to permit the denominational trusts to have a crematorium and the Catholic trust is proceeding to build a new crematorium.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So there may be more crematoria, which would allow more competition?

Mr SQUIRES: You could certainly say that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It is not planned to use prisoners for ongoing maintenance of the gardens?

Mr SQUIRES: At this stage there is ongoing use of them but not on the previous scale.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But it is still happening?

Mr SQUIRES: Yes, we see—

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It is presumably cheaper than using contract labour?

Mr SQUIRES: It is, although it does not really replace contract labour so much. It certainly does not replace normal cemetery labour, who basically work through the weeks. The penal schemes have been directed mainly to sweeping, overgrowth control in large old areas where very little cemetery operations are taking place.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you see yourself as having a place in a governing council for the industry?

Mr SQUIRES: For the Joint Committee?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes.

Mr SQUIRES: If there is a governing body that takes account of land issues and everything that is connected with land issues with very wide powers then the Joint Committee would be interested in that, or it may be of benefit to the central body. The central bodies from the industry have tended to focus more on public health issues, operational issues and that sort of thing.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: How do you relate to things such as the Funeral Industry Council?

Mr SQUIRES: At this stage we are basically just keeping a watching brief on it really. We are not active in it. The issues are mainly involved with operational health issues, industrial issues and that sort of thing but the Joint Committee, being an administrative infrastructure, is not interested in those things. Also, the Joint Committee's focus is pretty much Rookwood itself because of its unique problems.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So you are interested in the land in particular, geographically Rookwood, rather than the broader issues of the funeral industry as such?

Mr SQUIRES: That is right. We are interested in the pressures on land and trends in burials that would cause pressure on Rookwood. You could take all the public cemeteries in Sydney and fit them inside Rookwood and still have space left over. Rookwood is enormous within the industry and has its peculiar problems and the Joint Committee is a peculiar organisation because of its association with those problems.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Given that land is such a big driver of cost and you are such a big player, is it not a little odd that the Funeral Industry Council does its thing and you do yours and there is not much—

Mr SQUIRES: If the funeral industry wants to take up land issues we would be happy to discuss them with it and it would certainly get a representation on that basis.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They are using your costs as a reason for their price rises.

Mr SQUIRES: The Joint Committee has that levy to the trust and that of course is carried through to their final prices no doubt.

CHAIR: We will ask some of the trusts about it.

Mr SQUIRES: The Joint Committee is part of Rookwood overhead.

CHAIR: We may contact you to take up your offer if we want some of the specifics about the levies and figures about available space and so on. You have certainly given us a general picture. Thank you very much for coming.

(The witness withdrew)

DEREK HUGH WILLIAMS, General Manager, Anglican and General Cemetery Trusts, Rookwood Necropolis, 1 Hawthorne Avenue, Lidcombe, affirmed and examined:

CHAIR: Did you want to say anything by way of an opening statement or will your views come out in the questions we have prepared?

Mr WILLIAMS: Only just a brief one. I did attend an earlier meeting where representatives of the Cemetery and Crematoria Association, of which I am a member of the executive, gave evidence. Based on that and some of my readings, I probably would like to summarise the industry as it is at present. As far as the cemetery and crematoria industry goes, it has moved in the last decade from a period of heavy regulation and price structure that was heavily subsidised by ratepayers and taxpayers through to a user-pays free market driven by choice.

During that time cemeteries have had to deal with the future issues of sustainable maintenance of these cemeteries, given the effects of enforced changes in regulations, a lack of government support and funding to subsidise cemeteries, which has continually diminished since I have been in the industry over the last 23 years, and the offset of this by rising fees by cemetery and crematoria to cope with these changes that they constantly have to react to. With these rises in costs we always have an expectation of the public for value for money and, therefore, there are expectations driving the industry to improve the services that it provides. What we have here is actually an internal cycle that either is absorbed by the public purse in the future through regulation or will need to be left as free market forces.

CHAIR: Can you be more specific about why the removal of regulation would result in cost increases?

Mr WILLIAMS: We have a combination of additional regulation in some areas that we are required to comply with.

CHAIR: Such as?

Mr WILLIAMS: The occupational health and safety regulations that require ongoing risk management of public spaces and, in the case of cemeteries, you have got thousands of monuments that are potential risks to the public and a natural landscape that is constantly moving and changing. The other side of deregulation is the lack of what I would describe as the inspectorate of government departments, particularly, in our case, of the Department of Health, in enforcing regulations that it already has the power to do. Obviously, that will have a profound effect on the individuals within the market applying normal human nature.

CHAIR: In other words, if they can increase costs and make a profit, they will?

Mr WILLIAMS: I would suggest that their quality control may not be as good and they may cut corners when they should not and that government regulation, if it is in place, does need to be supervised or it is useless.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are saying more or less that the regulations are there but no-one enforces them. That is what you are saying, bluntly?

Mr WILLIAMS: That is right. As you know, there is government policy to deregulate.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes, we certainly know that.

Mr WILLIAMS: So you have got this hands-off approach occurring. It will reach a certain point where industry then becomes self-regulated. If the industry does not have a pro-active ethical position to self-regulation, then it will gradually deteriorate over time. It is only the reaction by the public that would cause that to turn around.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can you be specific in terms of what regulations there are and which department is not enforcing them?

Mr WILLIAMS: Specifically, the health regulations. The department tends to be more reactive to various issues rather than acting in a supportive capacity.

CHAIR: But in relation to your appearing on behalf of the Anglican and General Cemetery Trusts, what health regulation or inspection is not taking place?

Mr WILLIAMS: Apart from a health officer being present at the time of exhumation, and reports by department, or changes in department regulations, that we automatically comply with, there is no other regulation or any form of review of the trusts' actions.

CHAIR: You specifically said before that there is regulation but that with the decline of the inspectorate things are not being checked. I am trying to find out what it is in your area of responsibility that should theoretically be being inspected or regulated but is not?

Mr WILLIAMS: Probably I was talking there generally across the industry. As a government trust, we are required to comply. We have onerous check systems and review systems in place. If the department chose to come and audit us, they would find compliance, though we have not had a situation where a complaint was raised that prompted the department's investigation of us.

CHAIR: So in terms of the Anglican and General Trusts, what you are saying does not apply to you?

Mr WILLIAMS: No. It is a comment of the industry.

CHAIR: You are talking in general about the industry.

Mr WILLIAMS: Correct.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It applies to your competitors, is that not putting too fine a point on it?

Mr WILLIAMS: No, I am talking about various situations in the industry that have been brought up by others and those situations have been allowed to occur through a lack of inspection. If the inspectorate were in place, a number of situations, for example, that this Committee would be aware of would not have occurred in the first place.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: We are not aware of a lot of faults in the health regulations.

CHAIR: I think we should come back to your evidence on behalf of the Anglican and General Cemetery Trusts. Some of the specifics may come out later. That is why you are here and it will cause considerable confusion if we cannot relate your remarks to the body on behalf of which you are appearing here. We have learned a certain amount from Mr Squires. Can you clarify for us how the Anglican and General Trusts work together? Are they in effect one trust or is it that the management is one management but for two quite separate trusts?

Mr WILLIAMS: The latter is exactly the case. You have two completely separate, autonomous trusts with a separate set of minutes and trustees of the board of each of those trusts. Some trustees are common to both boards but there are some that are specific to either the general or the Anglican trust, and it has one management structure over it. The trustees employ me and I employ the staff to run the cemetery.

CHAIR: In terms of the map that we have, wearing one hat you look after the Anglican areas of land?

Mr WILLIAMS: That is correct.

CHAIR: And wearing another you look after the general areas?

Mr WILLIAMS: Correct.

CHAIR: Does that mean that you effectively have two sets of books and so on?

Mr WILLIAMS: That is right, we do.

CHAIR: We will shortly ask questions about costs but in terms of setting prices, do they vary between the two as well?

Mr WILLIAMS: They do, considerably.

CHAIR: We have some questions specifically about the Anglican cemetery because of its age. Can you give us an indication of how much space is left in the Anglican cemetery and, if you do know, how that compares to space in other Anglican cemeteries or parts of cemeteries?

Mr WILLIAMS: Initially I will answer the first part of that question. The Anglican cemetery, under current burial practices—and that has been more by the orthodox communities that prefer to bury rather than cremate—we have orientations of graves that, in most cases, face one direction. They require a pathway in front of them. Taking into account burial patterns that the communities currently would like to be buried under, we believe we have about 18 years of burial space left. As far as the burial spaces in other Anglican cemeteries are concerned, you would need to actually speak to the Anglican Diocese Property Trust, I believe. They would be able to give you a better indication of the available space within the church cemeteries, but certainly the church does not pursue an active project of burial, given that within the Anglican community up to upwards of 60 or 67 per cent now cremate rather than bury.

CHAIR: And the orthodox percentage of cremation?

Mr WILLIAMS: As Lee would describe, there is a leakage to cremation, but going on our burial statistics, it would be less than say 2 to 5 per cent cremate. We do have some ashes being buried in family graves but generally the community tends to still bury in preference to cremation.

CHAIR: Most of your clients come from the orthodox churches rather than Anglican?

Mr WILLIAMS: That is true. We do have a mix. Probably 20 to 25 per cent would be what I would call of Christian faith rather than Anglican specifically and they may have preference for burial, but it is a personal preference; it has nothing to do with religious-based preferences.

CHAIR: So some 75 per cent of your clients are of the Anglican religion?

Mr WILLIAMS: Less than 20 are Christian; 20 to 25 per cent would be of Christian faith, preferring to be buried in the Anglican sections. The balance would be cremation. Of the orthodox churches, I would say over 95 to 97 per cent prefer to bury.

CHAIR: I have confused you. What I meant was, particularly in relation to burials, what sort of percentage of the people who come to the Anglican cemetery are Anglicans or seeking an Anglican one?

Mr WILLIAMS: Our statistical information does not provide to us what their religion is. They are either Christian or they are not Christian; it is that general so I would not be able to tell you exactly.

CHAIR: Is it the same in relation to the general cemetery?

Mr WILLIAMS: Yes. There again it is mainly the Asian religions and of that group, there is again a leakage to cremation but, as Lee touched on, the Muslim faith does not cremate at all. The other religions, generally those that have come from Hong Kong and South-East Asia, prefer to bury,

when given the choice of cremation. The exception might be the Vietnamese and some of the Buddhist and Hindu faiths, where they do have cremation as an acceptable system as well as burial.

CHAIR: Can you give an estimate of how long the land in the general cemetery might last?

Mr WILLIAMS: It really is the same time frame. What the two trusts do do is review the absorption of the land through current burial practices and then adjust the proportions of the land allocated to the two trusts according to demand. If, for example, there is a high demand by the general trust, then the Anglican trust would allocate additional land of its reserves to the general trust for use by those communities, so it is a case of supply and demand.

CHAIR: In relation to how long the land would last in the Anglican cemetery, Mr Squires' estimate was some time after the year 2100. That is very different from your 18 years.

Mr WILLIAMS: Yes. I had better clarify that. The 18 years relates to the sale of new burial rights. The cemetery would continue on for those people that have yet to pass away, and use of those prepurchase graves—also, we always sell graves for at least two interments, so if families start reusing graves, you have this ongoing burial activity for possibly another one or two generations. That sort of figure is plausible, given that it has been our experience to date that you do not get each successive generation using the same graves. They might skip one or two generations, become aware that the grave is there and then use the grave. They would also be using the grave for ash interments.

CHAIR: A family moving to Sydney with no past history of family in Sydney who is looking for a burial site very soon will not be able to get one in the Anglican or general areas, is that correct?

Mr WILLIAMS: As you are probably aware, there is legislation in place for revocation of sold graves that have not been used over 60 years. That revocation of burial legislation would allow those people, if they choose to, to purchase those graves and we have a stock of probably well over 3,000 of those graves at the moment under that legislation. The issue we have with those is that they are singular graves in most cases and they are dotted right over the acreage or hectares of the cemetery. We have found that unless someone really like the idea of being buried in an old heritage area of the cemetery, they generally will not show an interest, so to date, since that legislation has been in, we have not sold one grave.

CHAIR: Do you think that is why—because people do not like being buried in an old part of the cemetery?

Mr WILLIAMS: As long as there are new graves available, the public will generally show a preference to a new, highly maintained site, whereas the older sections are under a different maintenance regime.

CHAIR: Are they the same price?

Mr WILLIAMS: Yes. The older monumental area would still reflect the potential income we need to hold a reserve to maintain the area, so we do not sell them any cheaper than a new monumental area.

CHAIR: How much is a site?

Mr WILLIAMS: They can range from \$4,400 through to \$9,000.

CHAIR: The cheapest plot is \$4,400?

Mr WILLIAMS: The cheapest is a lawn plot, which does not have a memorial; the family have to purchase that separately. This is the one that that is gazetted by the Department of Lands, as we are required to do.

CHAIR: When you say gazetted through the Department of Lands, does that mean the Department of Lands approves that price in some sense?

Mr WILLIAMS: The department approves certain prices. It approves the cost of a rite of burial, of a grave that, for example, could be maintained in the cheapest fashion for the trust, and then it has a couple of fees and charges in terms of transfer of graves. The rest of the graves are by quotation, because in our case the public require quite a broad variety of grave sizes and what I would call add-ons to these graves for their specific purposes, so each of those is then costed and priced accordingly. The department has a base burial rate that it looks at, and even that price has to be set by our trust through a script explaining the reasons for the price increase, so the department has a clear understanding of our costs and why we are applying for an increase.

CHAIR: Does the department, therefore, in effect keep that price down?

Mr WILLIAMS: We have had experiences where the department will question it and require more information to justify it.

CHAIR: But the department has not rejected it?

Mr WILLIAMS: Not to date, no, only because the justification usually far exceeds the price being asked for.

CHAIR: So that it does form a kind of price control?

Mr WILLIAMS: I think it does, yes.

CHAIR: You may wish to table those figures; they might be very useful.

Mr WILLIAMS: I will, yes. The price of the particular grave in question would be \$2,684, including GST. That is the price to purchase the grave and bury within that grave.

CHAIR: What price do they go up to?

Mr WILLIAMS: Up to \$9,900, including GST.

CHAIR: As far as your trust is concerned, you are quite happy with the notion of the revocation of unused sites, although I make the point that you have not sold one yet. What about the other options that have been put forward: vertical interment, renewable tenure, and the other ways of extending the life of the cemetery?

Mr WILLIAMS: Our industry was not invited to comment on the current practice of vertical interment that is being offered in Victoria. We understand that it was something that was brought forward by the operator of that site and he mainly dealt with council.

CHAIR: There is a local government area in Victoria that is experimenting with that, is that so?

Mr WILLIAMS: That is correct. At the moment, though, the way that practice is described, we could apply a similar system to horizontal burial and you still would not get any more burials per square metre in that area of space. The only way that would become more viable is if the geological structure allowed much deeper drilling of the site, and then you would have multiple burials in each of those holes drilled.

CHAIR: Multiple vertical burials?

Mr WILLIAMS: That is correct. That would be the only way that would start to become more efficient than the current system. So it is an alternative, but at this point, under the depth that they are prepared to drill, it is not any more efficient than what we currently practise. What it does do is that it allows more difficult reuse of the site. From a risk management point of view, if sites were going to be reused long term, rather than new sites being purchased, under this system it would become difficult to remove any human remains that are left and reinter if that site were to be reused.

Whereas the current burial system at least allows a feasible way of reusing the sites because it provides better access to the site.

CHAIR: That is regardless of whether a grave is used more than once by a family?

Mr WILLIAMS: That is right. At the moment the horizontal system of burial lends itself more easily to reuse of a site than a vertical burial, unless they were much deeper and there was no intention to remove those bodies over time.

CHAIR: Is that in terms of the kind of equipment you need to use, or occupational health and safety issues, or both?

Mr WILLIAMS: Both.

CHAIR: Therefore you do not see any advantage in vertical burials?

Mr WILLIAMS: Not with that particular system, no. It would have to be modified from what is currently being offered to be more efficient and possibly cheaper. The other system, though, green cemeteries and reuse of existing cemeteries, does require other issues to be addressed, such as the embalming of bodies. The bodies would need to be able to break down efficiently over time without any chemical treatment that would delay that process. The monumental system, built over graves, would also need to be collectively agreed to by the community that it would be limited, say, to a headstone as the marker. You would not have full monuments covering all parts of the grave because then you have the problem of access to that grave in the future. So there would need to be a fair amount of public consultation for a gradual change over time. Firstly I do not believe that renewable tenure will be a solution in the short term, it will be the solution in the long term, but it may take up to two or three generations before it becomes readily accepted.

CHAIR: What about implementing it in the short term for very old graves?

Mr WILLIAMS: All these issues need to be addressed as quickly as possible. It would be the combination of these solutions that starts to provide relief to the industry. If the focus is on future pricing, that allows cemeteries to create more sustainable income streams, which would mean that the one-off costs that they are currently charging to try to sustain themselves for very long periods of time, under current public expectation the costs could be reduced because they do not need to have such high initial costs for long-term maintenance because they are having a more sustainable income stream occurring.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you envisage legislation being needed so that some of these whole-of-site monuments can be tackled?

Mr WILLIAMS: There would be some modification legislation needed. There are provisions within the Health Act that allow us, if the family requests it, to lift and deepen a body. The problem with it is that at the moment it is classified as exhumation, so it attracts all the additional costs of an exhumation, whereas it probably would not need to. So you have some of the provisions already in place; it just needs modification. What would make it more efficient across the board in this State would be if you had single cemetery legislation, so that you did have the level playing field, it was one rule for all. Unlike Victoria, New South Wales has a combination of trust reserves, local government cemeteries, and the private sector. The legislation would have to reflect burial practices across all three sectors.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that also why there are different practices amongst different trusts?

Mr WILLIAMS: The different practices are due to the uniqueness of the land, the soil type, the terrain, the maintenance levels that the trust has adopted, and the types of communities that they bury, and no one cemetery is identical to another. Also, some are subsidised by crematoria. In the case of Rookwood, apart from the income stream to the Joint Committee from the crematorium, the cemetery receives no real income to subsidise its maintenance, so the trusts have to bear all their ongoing income streams from their burial activities and other activities.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are sublessees of the lump of land, or you inherit it, or you own it? What is the relationship between the trust and the land?

Mr WILLIAMS: It is a Crown land reserve under the Crown Lands Act. The trustees are appointed by the Minister of Lands in an honorary capacity to administrate the site. They then employ the staff to carry out those functions under the legislation.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: And it is divided much as the map, with the Anglicans having responsibility for that lump of Crown land and the Catholics for their portion, and so on?

Mr WILLIAMS: That is correct.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The joint trust is to try to get some co-ordination in it?

Mr WILLIAMS: That is right. The Minister, if he deems it necessary, can adjust the apportionment, depending on representations made to the Minister.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Presumably there would be agreement to that, or he could overrule it if there was not?

Mr WILLIAMS: He could overrule it. We have a case in which our trust, for example, had land reapportioned to the Catholics trust.

CHAIR: Did it have graves in it?

Mr WILLIAMS: No, it was undeveloped.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They had more demand than you did at the time?

Mr WILLIAMS: At the time, the information suggested that. I would put it to you that the information was probably not as accurate as it should have been, that the potential of the general trust's current demands and future demands would have necessitated the land remain under the control of the Anglican trust. It was the different management system then. I was not the general manager then.

CHAIR: When did that happen?

Mr WILLIAMS: In 1978.

CHAIR: Does Rookwood draw people from the whole metropolitan area, or does it serve in part as a local cemetery for, for example, the Strathfield area or the Auburn local government area?

Mr WILLIAMS: It does have a demographic area that it will draw from, from Liverpool through to Macquarie Park on the North Shore, and into Sydney itself. It draws from a fairly broad demographic area, part of it by connection with the community and part of it by family connections. I think it copes with about 25 per cent of Sydney's burial and cremation needs.

CHAIR: In terms of making forecasts about future demands and so on, all those factors have to be taken into account?

Mr WILLIAMS: Yes, the migration of people when they retire. The demands placed on Rookwood, say, by the baby boomers in about nine years time and going forward are yet to be quantified.

CHAIR: If they all go for a sea change, there will not be much demand?

Mr WILLIAMS: It is something that Lee Squires touched on. If a group is migrating out of the city and retiring elsewhere, they are being replaced by new immigrants that tend to use Sydney as their main city of residence, hence the growth in Sydney compared with the other capital cities. Given that the mix at the moment tends to suggest a predominance to burial, I expect that the burial demand will be sustained and will not drop off over time. The cremation demand might drop, given that at the moment the current mix of baby boomers tend to predominantly cremate rather than bury. Just as the crematoriums in Sydney at the moment are only utilised to about 50 per cent of their capacity, I expect that that figure will not change very much for some time.

CHAIR: And the trend towards increased mobility, for example with retirement along the coast, also has an effect on the reuse of family plots?

Mr WILLIAMS: It would, yes. Even though a grave might be sold for two burials, statistically I think we would be lucky to see 1.5 burials or perhaps 1.2 burials being utilised. That is also probably the fault of our industry. We do not promote what is available, and do not provide that information on an ongoing basis. I think that if we do that more efficiently, the public will be better informed of the choices they can make.

We find that with family researchers. If they visit a grave of an ancestor and they discover that they can put any number of ashes in that grave for the current and future generations and that they can use that grave if they prove line of control to the rite of burial that is sold to the original member of their family, hopefully the opportunity of them then using those sites for their own family as that family grows might be better realised. At the moment we always have the comment, "Oh, we didn't know that." So our industry needs to be more proactive in making sure that the public are aware of the choices they have.

CHAIR: Has there been an unwillingness to advertise or promote because of a concern about the sensitivity of the issues of death, burial and cremation?

Mr WILLIAMS: I think generally the industry has been complacent in that a family member dies, the family contacts the funeral director and the funeral director contacts the cemetery. So it is a case of whoever knocks on the door next we perform the next burial for; we do not go out and market the other services we provide or have the potential to provide within existing graves that families' ancestors may have purchased. The industry has not come to grips with, for example, using a web site that allows the ongoing transfer of information. It is something that we are only now starting to catch up with.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: We have heard a lot of evidence about costs, although we have had difficulty getting longitudinal cost changes, shall we say—in other words, comparable figures on what costs were and what they are now. What is the trust's view on the changes in funeral costs or do you merely look at your costs in relation to burials?

Mr WILLIAMS: I can probably speak more accurately on costs related to burials. I think across the board, as the Committee has probably started to recognise, there were two movements. One occurred in the 1990s and, since then, the movement upwards has, I believe, more to do with the cemetery administration starting to understand more carefully its long-term responsibilities and having to pick up the shortfall due to the shifting from a market that was heavily subsidised to a market that is now more accountable for the prices it charges. I think if ever there was an issue here it was probably more that our industry did not communicate to the public the broader responsibilities it has and the costs associated with those responsibilities. I think if we did it more efficiently then the community would more easily understand why the costs have gone up.

When they do question it and it is explained to them, it is my experience that they did not know just how much we are responsible for. For example, funeral directors have the body for up to 72 hours, the monumental masons work for the family for two to three months but we have got them forever, and all of the risk management and maintenance that goes with that. Our cost structure is completely different to other facets of the industry. I would put it to you that my experience to date has been that if we were serious about sustainable maintenance, the reuse of cemeteries and the potential to have, in the short-term, to acquire more land to match the current demand while these other mechanisms and options come into play, then we are still too cheap.

There probably needs to be more careful review of exactly what the cost infrastructure is going to be in the long term and for that to be better communicated to the community so that the community can then choose, for example, whether they still want to have graves orientated in one direction, whether they still want to have full monuments—which are much more costly to maintain over the ground in the long term than in the short term—or whether they are prepared to modify some of their needs, which would negate some of the increasing costs put upon cemeteries.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So, effectively, you are saying to me that planning forever and maintenance of perhaps some closed cemeteries or at least only partially used cemeteries—because only a few of the graves will become available—has necessitated you building a trust which will maintain that area forever and that change the cost basis from presumably what we are spending today to bury a body based cost—or even that is subsidised—has resulted in rises in price above inflation.

Mr WILLIAMS: That is correct.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think that within that framework there has not been any profiteering? They are basically public trusts that are doing a reasonable job within that framework.

Mr WILLIAMS: That is correct. Because we are non-profit organisations the money cannot leave the cemeteries; any surplus funds have to be invested. It is planned that interest from that invested money will be used to subsidise the income stream as it drops off or diminishes over time unless a combination of new activities are permitted by the government. That could include vertical integration of services. It could include renewable tenure. In the case of Rookwood, for example, it would include absorbing the crematorium back into the cemetery structure so all of the income from the crematorium is then used to drive the cemetery's maintenance.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that not the case now?

Mr WILLIAMS: No, because the surplus profits generated by the income are the property of InvoCare. Apart from the rent and the levies that are placed on the crematorium, that is the only income that the Joint Committee receives. The trust do not receive any income from the crematorium so they are left to maintain their income streams the best way they can. The other issue we have is that until 1991 the trusts were not investing very much money for future maintenance of the cemetery at all. The policy tended to suggest market forces would only cope with CPI increases and the provision for long-term sustainable maintenance was not really addressed. That has only been addressed seriously probably in the last five years.

CHAIR: So what sort of money are you putting aside for the future? Do you work it out on a percentage of income?

Mr WILLIAMS: Ours is fairly high because of the way our trust's maintenance system is structured. I will give you an example. In 2000 when the Olympics were to be held next to Rookwood we believed there could be an influx of the public moving across the cemetery far exceeding what we normally experience, which is in excess of one million visitors a year. We then undertook over 12 months prior to the Olympics to completely cut and make all our sections of the cemetery easily accessible to the public in what I would describe as a neat and tidy condition. That cost just under \$500,000 in one year. If we are expected to sustain our cemetery, for example, at that level it will continue to cost \$500,000 a year and steadily increase. That might start to give you an idea of how much money has to be invested.

At the moment it is moving goalposts. Our trust would require in excess of \$39 million by the time the last new right of burials have been sold in order to, on today's prices, successfully maintain the cemetery with a reasonable level of infrastructure. So we are talking about a lot of money that needs to be invested. It is not a level playing field. The private sector and, for that matter, the churches—including the Anglican Church—are not required by law to invest surplus funds. If any of the cemeteries become full and closed and they decide for some reason to divest themselves of those cemeteries, there are no invested reserves that are held in perpetuity that go along with that sale. It is

sold for whatever the asset is worth. Whoever takes over that asset takes it over with all its future liabilities.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Presumably they could get a rezoning or something, or they would be working on that?

Mr WILLIAMS: That is what they would be trying to do: create a new income stream if they have some sort of interest in the property. But certainly whatever income was derived from any activities within those cemeteries usually—nine times out of 10—becomes a cost to local government.

CHAIR: So what sort of percentage of your income are you putting aside for the future?

Mr WILLIAMS: At the moment we are managing about 45 per cent to 48 per cent. That is because of our economics of scale. It is something that I have been working at continually for the last decade.

CHAIR: So roughly half of what people pay for a burial site is being set aside for future maintenance, et cetera?

Mr WILLIAMS: That is right. When I took over management of the trust it only had \$1.3 million in reserve and it had been operating for 130 years. All of the income had been used to develop the cemetery and there was virtually nothing left over. Of that \$1.3 million, \$600,000 was generated in probably three to four years prior to my taking over.

CHAIR: What sort of reserves do you have now?

Mr WILLIAMS: They are close to \$14 million.

CHAIR: And you are aiming at \$37 million.

Mr WILLIAMS: Yes, if we are expected to maintain Rookwood as a public site with access to the public that is safe for the public. We are probably lucky in this country in that, unlike in Europe, we have not had three deaths caused by monuments falling on people.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can I come back to health issues? You talked about embalming. Does that mean that bodies basically do not break down and stay there, like a McDonald's hamburger, forever?

Mr WILLIAMS: That is right. For example, after 10 years if you exhumed a body it would not look a great deal different from the day it went down if it was embalmed properly. So that then becomes an issue of consolidating the body into a smaller ossuary box to allow it to be buried deeper in the grave. The process of decomposition is very important for that system to work. That would mean that the public would have to understand that in the case of earth burials embalming would not be encouraged or, for that matter, allowed.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Does that pollute groundwater and cause other problems like that?

Mr WILLIAMS: No. There has been research by our industry associations at a national level, which have investigated the decomposition of a body and how a decomposed plume moves in the soil. It appears to move, irrespective of the soil type, up to about a metre from the grave. The bacteria in the grave tend to lock it up in the form of what is called grave wax. Therefore, you do not have the problem of contamination of groundwater.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What existing health regulations are not enforced?

Mr WILLIAMS: It is more to do with the funeral directing side of the business. We are obliged to comply and we have a system that is audited, in our case with a trust, by the Department of Lands on a systematically regular basis. As probably mentioned by funeral directors, any auditing that

occurs of funeral parlours is almost nonexistent. Compliance, for that matter even embalming procedures, is only now being addressed. So as to the policing of health regulations, in defence of the health department, it does not have the resources to adopt a reasonable policing program without additional government funding.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think there should be a registration of the funeral industry, which then funded the health department to inspect what aspects?

Mr WILLIAMS: Part of it would be registration or a licensing system. But I think for that to be effective it would have to be underpinned by nationally accredited training. At the moment, our side of the industry has embarked on developing courses that are nationally accredited. The funeral directing side of the industry is doing the same but I think our side is probably taking it up more aggressively. Because the industry tends to suffer from a learning process of what you learn you learn from the guy next to you it needs to go through a system of recognised prior learning for existing skills and then composite material is developed to fill the training gaps that are needed to drive the level of professionalism in the industry and adopt the procedures.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Would you like a TAFE course?

Mr WILLIAMS: Yes, an accredited course through an RTO.

CHAIR: What sort of training do your employees go through?

Mr WILLIAMS: At the moment, for example, I am also chair of the training committee for the New South Wales Cemetery and Crematoria Association. We have just finished developing a safe graves techniques course. That covers all the system of risk management of graves from the time a booking is made in the cemetery through to digging the grave—best practice procedures, shoring techniques or risk assessing an old monument that might be constructed over or adjacent to that grave and the management process required by the staff to keep the staff safe, the funeral directors, as contractors to the family, and the general public at the time.

CHAIR: Where is that course offered?

Mr WILLIAMS: That is going to be offered at a number of cemeteries as training sites. Rookwood will become one of them. Another one will be Shoalhaven, the Wollongong cemeteries.

CHAIR: So it does not exist yet?

Mr WILLIAMS: No, it is up and running. The official launch was last Wednesday. The enrolments have already begun. The materials are also available for cemeteries to purchase. It also has a DVD so that training can be engaged in regional areas where they might have a problem accessing formal training. Two industry experts are currently being trained in certificate 4 training and assessment, and they will be providing the training. It will basically be a travelling road show because in most cases cemeteries can only release small numbers of their employees for this training at a time. So it is a case of the industry providing training close to where their operations are. It is on an operational site. It is at hands-on course and the accreditation is by what they show they understand they can do, not in a classroom situation where they are just talked at.

CHAIR: It is envisaged that a certificate or whatever results will be mandatory?

Mr WILLIAMS: I think it needs to be. That is certainly the way our side of the industry is going. We are now working on confined space training, and we have applied to WorkCover for a grant. The industry is planning to roll out progressively a series of courses to have eventually a certificate three in cemetery and crematoria operations. That is what our side is doing.

CHAIR: This will apply to everyone from the gravedigger to the—?

Mr WILLIAMS: Right the way through to management. That is the way we are now addressing future industry standards.

CHAIR: Mr Squires mentioned that the Catholic trust is in the process of constructing a crematorium. Does the Anglican or general trust have any such plans?

Mr WILLIAMS: We have considered the proposal, but we do not believe that the demographic area that Rookwood supplies could financially sustain additional crematoria. The income stream from the cremation fee alone would not be sufficient to justify the cost of constructing an elaborate facility that would be attractive to the public. The only way it would be feasible would be what has been termed in the industry as a "hothouse" situation where you might have just a chapel and a cremation building that is fairly simple. The services offered would be minimal, otherwise we probably would never recoup the capital cost of constructing the facility.

CHAIR: When you talk about the demographics, that is the Anglican and general trust?

Mr WILLIAMS: I am talking about Rookwood collectively. The existing crematorium is operating at less than half its capacity. Some 20 years ago it was doing up to 5,000 cremations a year, but now it is doing just over 2,200 a year.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It has gone down over 20 years?

Mr WILLIAMS: That is right.

CHAIR: Why are the Catholics building a crematorium?

Mr WILLIAMS: You would have to ask the Catholic board that question.

CHAIR: We have a question about complaints, which we related to both burials and cremations. We would like you to tell us what you do when you receive complaints about burials. Given what you have said I suppose you do not receive complaints about cremations?

Mr WILLIAMS: No, not with cremations. With burials it is usually over the family's misunderstanding of events. They have managed already to get one or two generations from the original purchase of the right of burial certificate. First they believe they have bought the land. They then go through a learning curve to understand that they do not own the land. I should mention that under current legislation there is no provision for an explanation of how a right of burial should be handed on and how it could be used by successive generations. That is something that needs to be addressed.

CHAIR: Do you mean it has to be in a will?

Mr WILLIAMS: Yes, at least in a will or stated in writing by the original owner or grantee, as we term that person. Our problem is that usually it is up to the cemetery administration to try to interpret who has survived that ancestor, whether it should have been passed on to the spouse in which case it has left the bloodline in the family and if that is spouse has remarried, has it gone into a different family. There are a number of issues and scenarios that would help our industry. If we go into reuse of graves the use of a right of burial would need to be clarified, otherwise there could be a lot of potential disputes. Already there has been one court case in which a magistrate ruled that because they could not find a resolution for control of the right of burial, the right of burial had to rest with the deceased buried in that grave. Whether they are in that grave or a different grave, if they have expired, because they could not develop a resolution, they had to extinguish that right of burial.

CHAIR: If this Committee were to recommend legislation to clarify the situation, what would be a good recommendation? It sounds very complex.

Mr WILLIAMS: It is. Our industry probably could provide examples of scenarios to government and from that I would think the government or Crown solicitors should be able to develop a series of definitions under which a right of burial that has been sold in perpetuity can be used by successive generations. Knowing that, and as long as that is publicised on a web site, then a family who is anticipating a death should start to prepare the necessary information, if they have not done that already. We have been proactive in that area with, for example, the Russian community because the Russian community tends to remarry quite frequently after the death of a partner. It has been a

survival mechanism for their culture. We publicise in the Russian papers in their language that they need to update the right of burial if they are aware that the person who originally purchased it has died. Rather than waiting for a funeral we encourage the community to come in and update those rights of burial so that when the death occurs they do not have the stress of trying to work out who owns it. That is the basis of some of the complaints.

CHAIR: Does that have to be done by a very formal, legally binding instrument?

Mr WILLIAMS: It does. In our case, for example, we require a death certificate of the original owner that is recorded in our registers as the owner of that right of burial. If that person has remarried or has children, the family needs to provide evidence of other surviving members of that family, whether they believe someone can be nominated as a representative of that family and then supporting documents to confirm that. The trust then assesses the information based on what they can provide. We have had cases of a person flying in from overseas to purchase a grave, which is quite common with the Chinese community, flying out again and dying overseas. The family, which was originally in Australia, then tries to prove line of control to possibly use the other grave purchased next door. It is a problem.

CHAIR: The line of control normally would follow the line that relate to wills?

Mr WILLIAMS: It could.

CHAIR: Is it the legal understanding in general?

Mr WILLIAMS: In the absence of a will we ask for a probate certificate. In the absence of either, if they are not deemed to have any assets because they were not aware of the grave right of burial then we are looking for a death certificate with surviving siblings. That might require an additional death certificate of the other siblings. It needs simplification in terms of how we would adopt a system like that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You would like a hierarchy of rights based on genealogical records or something, or do you prefer some other system?

Mr WILLIAMS: That would be difficult. At the time of a funeral we may have only 72 hours. Generally people will not deal with the issue until they have to. We would need a review that would allow a verification system by which we would judge whether someone has the right to use a given site.

CHAIR: But you think the legislation would need to leave some discretion?

Mr WILLIAMS: It would need to have some discretion, but enough guidance. Some families after a burial will pursue the issue for months through various government departments to try to understand why they were denied the use of a grave on a particular day. There would need to be a form of conflict resolution that was adopted right across the industry.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have complaints that someone goes to the grave and someone else has been popped in?

Mr WILLIAMS: We have had that with families who have taken the cemetery and the funeral director to court. I am aware of one instance of an in-law being buried in a grave because in the cemetery records the owner had the same initial and surname as the ex-wife. Even though the husband was the owner of the grave the wife had presumed to become the owner of the grave and buried a member of her family. The husband then sued the funeral director and the cemetery for allowing the mother-in-law to be buried in the grave that was intended for him.

CHAIR: Who won?

Mr WILLIAMS: The husband, and an exhumation had to take place. They had to find another grave for the mother-in-law. You can understand what I mean about the necessity that the public understand what they can do with these graves.

CHAIR: We got on to that topic from our question about complaints. Is there anything else you should tell us about your procedures for dealing with complaints and the kind of complaints that come in?

Mr WILLIAMS: Generally complaints are funeral based. If it were to do with something that went wrong on the day—

CHAIR: When you say "funeral based", do you mean more about the funeral director or—?

Mr WILLIAMS: No, the actual act of burial and then something did not occur the way the family expected it to, which is due largely to communication breakdown. For example, we may have had difficulties with the grave with cave-ins, but it has not been explained effectively to the family. They have arrived at the cemetery and they cannot understand why there are delays or why they have to change the ceremonial procedure that a burial might take. They expect it to take place in a certain order. These issues can be the basis of some complaints. If, by chance, there were a problem at the time of the burial our procedure is to first, irrespective of what the issue is, apologise to the family. We do not try to apportion blame. If it is right at the gravesite and the funeral director is there we agree that all we are trying to do is complete the burial as efficiently as possible and with minimal stress to the family. After that we look at the circumstances of the problem and then decide what additional action needs to be taken.

CHAIR: Are complaints referred to you from the Department of Health or Fair Trading?

Mr WILLIAMS: Normally directly from the family or by the funeral director to our office, in which case we contact the family. If the complaint has been directed to us by the Department of Lands or Department of Health usually it is from the family being misinformed that they should have come to speak to us first or that they were not satisfied with the resolution and they want a second opinion to try to obtain a different outcome.

CHAIR: That probably covers our questions, plus a whole lot of extra information for which we thank you. It is always very useful for us when witnesses raise issues that were not in our minds.

Mr WILLIAMS: Probably there is one last thing I would like to touch on. I am also a member of the Cemeteries Committee of the National Trust, which has been conducting a survey of all the cemeteries in New South Wales for the past 24 years. It is less than one-third of the way through. Technology now would allow a survey of this type to more accurately determine exactly what cemeteries exist in New South Wales. I put it to you that at this point the Government does not know how many cemeteries there are out there. At the moment the National Trust is about to enter into talks with the Department of Lands to look for support to try to accelerate this process to keep going forward.

If the Department of Planning and the Department of Lands or government generally want to seriously address future burial space it needs to also understand exactly how much it has in reserve. A cemetery survey of this type, particularly if it included identifying existing graves and available space in each of these sites, would be invaluable to the future planning of this State. Obviously, it is going to need some Government funding because the trust has done this for the past 24 years with volunteers. If government were prepared to support an initiative like this we would have a far more efficient understanding, particularly in the Sydney basin, of the reserves and how the various strategies can be used to apply to the management of those reserves, as well as reuse of existing reserves.

The Hon. KAYEE GRIFFIN: Does the survey include all church cemeteries and local government cemeteries that have come under the control of local government that may no longer be used?

Mr WILLIAMS: Correct and also Aboriginal cemeteries and farm cemeteries, which are individual plots on private property. If somebody is buried out there they want to find it or if there are any unused graves they have the same importance. Certainly using the system that the National Trust is proposing would be far cheaper because it has a lot of community involvement in the research phase of it and they already successfully use community support in evaluating country areas. Along

with this comes the workshops where we educate the public on how to help look after their cemeteries, which will also affect the future cost of maintenance of those cemeteries by getting people interested in future maintenance.

The Hon. KAYEE GRIFFIN: What areas in New South Wales would have been covered in the work that has been done already?

Mr WILLIAMS: Mainly the southern regions and part of Sydney have been surveyed. Given that we have GIS technology and ground-penetrating radar at our disposal, I suggest that using the new technology they could more efficiently revisit what is already there and also prioritise the cemeteries that the Government may need the most information on. That would allow the National Trust to make the information in the early stages of the survey available to the Government for planning purposes as well as the rest of the information coming online in country areas where there may not be such a great need.

The proposal is to complete all the work within three years, but there would be follow on where there was community consultation, workshops with community. The trust, because of its level of expertise in this area, would be very good at working with community to invite new ways of doing things and get them thinking much broader of their long-term responsibilities for cemeteries and that would then drive change.

CHAIR: Are you stressing the importance of this from the point of view of looking after our heritage in the long-term maintenance needs? Did you also say that this would throw up space that can be used?

Mr WILLIAMS: Definitely, to both questions.

CHAIR: I would have thought that most of the closed cemeteries, most of the kind that the National Trust has listed, would be in areas in which populations have moved away.

Mr WILLIAMS: Sometimes not because they have moved away, but because they perceive that they are closed and cannot be used for any other purpose. We are running a couple of models through the National Trust at the moment where Camperdown cemetery, we believe, can regenerate a new income stream to help with its maintenance. Gore Hill and Mays Hill cemeteries would fall into that same category, Gore Hill particularly because it has an income stream problem. At the moment Mays Hill is being subsidised by Holroyd council. Again, it is the mixture of expertise that is now available that we can draw on to look at ways of generating a sustainable maintenance system that has not existed in the past.

CHAIR: Should this Committee obtain evidence from a particular person in the National Trust?

Mr WILLIAMS: Yes.

CHAIR: You are a member of its committee, but is there someone who could give us that information?

Mr WILLIAMS: Yes, Katherine Brew, Cemeteries Officer, National Trust, could be of help in that area. She has specialised in working on this project with me for a couple of years now.

CHAIR: Ms Brew would have more detail at her fingertips than you have?

Mr WILLIAMS: Yes, she has the broader picture as we are developing it.

Document of prices tabled.

(The witness withdrew)

HAROLD RAYMOND JOSEPH O'KEEFFE, General Manager, Catholic Cemeteries Board, Barnet Avenue, Rookwood, sworn and examined:

CHAIR: In what capacity do you appear before the Committee?

Mr O'KEEFFE: I am appearing on behalf of the board.

CHAIR: You have forwarded a written submission to the Committee, for which we thank you. Have you heard all the evidence given this morning?

Mr O'KEEFFE: Yes, I have.

CHAIR: You may wish to comment on some of the things you have heard. The Committee will be interested in any comparison or contrasting. Would you like to make an opening statement?

Mr O'KEEFFE: Yes, thank you. I should briefly tell you something about the Catholic Cemeteries Board. The board is incorporated as a body corporate under the Roman Catholic Communities Land Act 1942. The board has been appointed by the New South Wales Minister for Lands to manage the three Crown land Catholic cemeteries within the greater metropolitan area. Those three cemeteries are at the Rookwood Necropolis, Liverpool and Field of Mars. In addition, the board manages the Catholic cemetery at North Rocks on behalf of the Bishop of Broken Bay. We complete about 2,000 services per annum. As well as those tasks we are called upon also to provide advice to other Catholic cemeteries.

CHAIR: The other Catholic cemeteries to which you provide advice, are run through the individual trusts, local government, or whatever?

Mr O'KEEFFE: Mostly they are managed by church authorities, perhaps parishes, or in some cases dioceses. In some cases while they are owned by the church the local council may carry out some of the maintenance in some of the larger ones.

CHAIR: The Catholic Cemeteries Board is the only general body that deals with Catholic cemeteries in New South Wales?

Mr O'KEEFFE: We are not responsible for all of them, but we are the only body, it might say, that does not look after them.

CHAIR: That is the answer to the first part of our first question of how many cemeteries in New South Wales you oversee. How much burial space is left in them?

Mr O'KEEFFE: I have noted in our submission that we made a separate submission to the Director-General of the Department of Lands in relation to the GMA burial space discussion paper. I have a copy of our submission for the Committee.

CHAIR: That would be very useful.

Document tabled.

Mr O'KEEFFE: I would like to note that at an earlier sitting the Funeral Directors Association of New South Wales handed out some figures on costs of right of burial in New South Wales at various cemeteries. The Catholic cemetery at Rookwood was one of the cemeteries listed. I have a further paper that I would like to submit. There were some anomalies in those figures and I would like to hand up the correct figures.

Document tabled.

CHAIR: Do you want to say anything on the record about the anomalies in the figures?

Mr O'KEEFFE: I could just note that some of the fees include headstones and, in some cases, inscriptions. We need to be careful that we are comparing apples with apples, because some of the fees do not include those items and some do.

CHAIR: In some cases that would be a matter for a separate account from the monumental mason, for instance? In other cases it would be included.

Mr O'KEEFFE: In our case where we charge that fee for right of burial the headstone and the first inscription, that is for the first interment into the grave, is included in the price.

CHAIR: Is that for a standard headstone?

Mr O'KEEFFE: A standard lawn grave. If it is a monumental grave, which means there is an individual monument that the family desires, that is for the family to arrange.

CHAIR: If it is for a lawn grave you have a contract with someone who makes the plaques?

Mr O'KEEFFE: Yes, various contracts.

CHAIR: For a more traditional grave that would be done by the family directly with the monumental mason?

Mr O'KEEFFE: Correct.

CHAIR: The Committee notes your comments about those discrepancies in the figures. Can you give an idea of what happens with a forthcoming lack of space in Catholic cemeteries, in particular the three that you control?

Mr O'KEEFFE: As I said earlier this morning, we all have difficulties with space; it is obviously a finite resource. In our four cemeteries that we manage—

CHAIR: That is including North Rocks?

Mr O'KEEFFE: That is right. We estimate that the space available varies from 10 years at North Rocks up to about 50 years at Rookwood.

CHAIR: That is not allowing for legislative changes in terms of re-use for instance, but it does allow for revocation?

Mr O'KEEFFE: It allows for existing legislation, no changes.

CHAIR: As far as Rookwood is concerned you are little better off than some others?

Mr O'KEEFFE: Individually it may appear that way, but of all the burials conducted at Rookwood, the number of burials that we do equates to all of the other trusts put together. We are doing about half of the burials. I suggest that the land that we have is comparable to all of the other land that might be available. It is an equitable situation.

CHAIR: How many do you do each year at Rookwood?

Mr O'KEEFFE: About 1,400.

CHAIR: That is about half the annual figure?

Mr O'KEEFFE: Yes.

CHAIR: Does that include cremations?

Mr O'KEEFFE: No, we do not do cremations as yet.

CHAIR: Do you take ashes for burial?

Mr O'KEEFFE: We do inter ashes from cremations done elsewhere.

CHAIR: That is not included in the 1,400?

Mr O'KEEFFE: No.

The Hon. CHARLIE LYNN: You said you do not do cremations as yet?

Mr O'KEEFFE: That is right.

The Hon. CHARLIE LYNN: Do you propose to do so?

Mr O'KEEFFE: We propose to build a Catholic crematorium.

CHAIR: At Rookwood?

Mr O'KEEFFE: Yes. That was permitted by the recent changes to the Necropolis Act, not just us but for any denomination, to build a crematorium.

CHAIR: How far is the planning for that?

Mr O'KEEFFE: Quite advanced. We have development consent issued by the local council and we hope to commence work in the next few months.

CHAIR: The Committee heard evidence earlier that the existing privately operated crematorium at Rookwood is not operating to capacity. Can you give any reasons why you have decided, given that fact particularly, to build your own?

Mr O'KEEFFE: Yes. From figures we have collected, we estimate that about 30 per cent of Catholics are currently being cremated. As you would probably appreciate, it has not always been permissible for Catholics to be cremated but it now is. Catholics require a cremation service, given a specific Catholic burial service or cremation service, which is not available at non-denominational crematoria.

CHAIR: So essentially it is a religious reason?

Mr O'KEEFFE: It is definitely religious and we are providing a service to those sections of the Catholic faith rather than doing it as a money spinner.

CHAIR: Would it be possible to negotiate or arrange a suitable Catholic service at other crematoria?

Mr O'KEEFFE: We have taken advice on that from our Catholic superiors and they have indicated that is not possible.

CHAIR: When you say "Catholic superiors", bishops?

Mr O'KEEFFE: That is correct.

CHAIR: Can you clarify for us how many of the people buried, say in Rockwood in particular, or across the four, are actually Catholics?

Mr O'KEEFFE: The vast majority would be. I cannot put a number on it but it would be probably almost 100 per cent. It is not exclusively Catholics because we bury people who are not Catholics, who might be married to a Catholic or families of a Catholic.

CHAIR: But you are not open to other religions? You try and make it pretty much exclusively Catholic?

Mr O'KEEFFE: Pretty much.

CHAIR: What about some of the related orthodox religions or other religions from parts of the world where there is a relationship to the Catholic church?

Mr O'KEEFFE: Yes, we provide for those and we have some of those groups, particularly at Rockwood.

CHAIR: In terms of the burial of, say, destitute people, do you take them if there is evidence that they have been members of the Catholic faith?

Mr O'KEEFFE: We are not too fussed about whether they are Catholics or not if they are destitute. We get some burials by the St Vincent de Paul Society, but we do not make any specific inquiry as to whether they are Catholic or not.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: With the crematorium I was concerned about the concentration of ownership of crematoria and the effect that might have on prices. Would you, in a sense, be willing to cremate people who are not Catholics so there was some competition in the area? Presumably they would want a slightly different service but otherwise everything would be the same. Are you willing to have your facilities used like that or is it purely for Catholics?

Mr O'KEEFFE: Our aim at this stage is to purely conduct a Catholic service. The crematorium we are building will have a designated Catholic chapel as part of it, complete with altar, et cetera, so it is not really going to be geared to a non-Catholic service, but we have not established a policy on that as yet.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So there might be a civil celebrant or somebody doing a service in your chapel, or would that not be acceptable?

Mr O'KEEFFE: No, that is acceptable and does occur already in our other chapels for burial services.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So it is certainly possible?

Mr O'KEEFFE: Yes, it is possible.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But it would be at the discretion of your governing board presumably?

Mr O'KEEFFE: Correct.

The Hon. ROBYN PARKER: I was wondering if you have got a view, and you may have already answered this question, on the overall shortage of burial sites. Do you have a view in terms of vertical internment, for example, or reusing sites or using unused sites?

Mr O'KEEFFE: I think the issue of vertical internment is an aberration. There is no evidence at all that it would increase burial density. I also believe that it is almost an obnoxious practice. There is no real evidence that it has been implemented anywhere, that I am aware of—not successfully.

The Hon. ROBYN PARKER: Why do you find it obnoxious?

Mr O'KEEFFE: It is not quite the image one has of resting in peace.

The Hon. ROBYN PARKER: What about those sites that are unused or—

Mr O'KEEFFE: The revocation?

The Hon. ROBYN PARKER: Yes.

Mr O'KEEFFE: We are quite happy about that and we have got quite a number of them. As you are aware, the legislation now allows us to resell those sites once they have gone 60 years and we have been through a process of trying to find the owners. We have already found a number of owners and we have been able to resell some of the sites—not a great deal; not as many as we would like—and what we are finding is that, I think as an earlier speaker said, we need to improve those older areas to make them more acceptable to people by landscaping and tidying them up because in some of the really older areas of the cemetery monuments have fallen over and it has become not as nice as it should be or could be. So we are moving towards improving those areas to make the resale more acceptable.

CHAIR: Is there a greater cost for the board in preparing those sites for burials?

Mr O'KEEFFE: There is a very significant cost. For instance, at Rockwood when we did the exercise, just to advertise the grave that we could recycle in the *Sydney Morning Herald* in accord with the legislation it was going to cost us \$100,000. So I think the legislation needs to be looked at carefully to somehow streamline it.

CHAIR: That is because each grave has to be advertised individually?

Mr O'KEEFFE: Yes, that is our legal advice, that they have to be advertised individually and they have to be advertised a number of times.

CHAIR: What about if you find out, by whatever means, that a grave is available, if I could put it that way, because you have evidence that, for instance, there have been no descendants or other relatives of the person who originally owned the grave, are you able to go ahead? Pardon our lack of familiarity with the detail of the legislation.

Mr O'KEEFFE: We could, but before we got to that stage we would have to go through the advertising process. What we are finding is that people are gradually starting to learn about this process and coming voluntarily to us and saying, "My grandmother owned this grave and here is the documentation and would you like to buy it back?" That is what is happening at the moment.

CHAIR: At what price do you buy it back?

Mr O'KEEFFE: I think it is half of the current right of burial cost.

The Hon. KAYEE GRIFFIN: When you advertise these gravesites what do you actually put in the advertisement about asking someone to come forward with some claim of ownership?

Mr O'KEEFFE: We have not actually done it yet because the \$100,000 slowed me down. We have to advertise the name and address of the last known owner and details of the grave, the grave number and section and that sort of thing.

The Hon. KAYEE GRIFFIN: You said some people have come to you whose grandparents or great grandparents, whoever it might be, are buried there. You said that they needed some proof but if I could use an example where you have got great grandparents who are buried there. I suppose the argument is ownership as well, but what if they do not have the proof three generations down the track and the original documentation when one or two people were buried there. How does that work?

Mr O'KEEFFE: This is a very difficult area to administer and it takes up a large amount of our time trying to determine current ownerships of rights of burial. What we generally ask for are copies of wills. Quite often we are told that wills do not exist. People tend to try and shortcut it by saying there is no will and we sometimes find out subsequently that there are wills. So we try to go through that process first and track the ownership by will. If that is unsuccessful we can go through death certificates, look at the children of the marriage and see if we can get some resolution that way, and pretty much if all else fails we have to make some management decision or look at statutory declarations.

The Hon. KAYEE GRIFFIN: So clearly trying to actually get some of these graves to be reused after X amount of years or even for just an argument if there is a dispute about ownership of an old grave, there is clearly a lot of administrative work that goes on and it is very time consuming?

Mr O'KEEFFE: That is absolutely right.

The Hon. KAYEE GRIFFIN: And that is a cost that has only come into the trust recently? Or has that been going on for some time?

Mr O'KEEFFE: It has been going on for some time, not so much with graves. Our cemeteries have very large aboveground internment facilities with crypts and family vaults and mausolea, et cetera, and particularly with family vaults where a family vault is generally built for, say, between 12 and 16 internments, and what we find is that various members of a family might club together to cover the cost and later on as various members of the family die and families inter-marry, et cetera, it gets very complicated as to who owns the right of burial. That has been the case for quite some time and they take up an awful lot of administrative time to determine current ownership. The grave issue when we are talking about the 60-year-old rights of burial unused is a relatively recent thing.

CHAIR: But from your point of view the administrative sorts of issues are very similar between searching out which family person has a right and what rights exist prior to the selling of a site?

Mr O'KEEFFE: The processes are very similar; the personalities vary.

CHAIR: Would you make any specific suggestions for legislative or regulatory change to simplify and perhaps make the cost lighter in terms of both those issues?

Mr O'KEEFFE: We did touch on this in our written submission. It is really an area that I think needs to be properly addressed legally so that we come up with some streamlined method of administering it.

CHAIR: It is a fairly sensitive area for families, is it not?

Mr O'KEEFFE: It absolutely is and it is the cause of a great deal of stress and strain, particularly at the time someone dies and it has to be resolved virtually within maybe one or two days, and it is not only stressful but it is difficult to collect the documentation that is required to make the determination.

CHAIR: From that point of view a cremation causes very few problems afterwards?

Mr O'KEEFFE: The process of cremation requires more documentation prior to the cremation. So the process tends to be completed prior to the cremation and those sorts of issues are generally resolved, so there is no real complaint afterwards.

CHAIR: In terms of things like internment of ashes and so on, presumably decades down the track those issues are much simpler when there has been a cremation even when there has been internment of ashes in a family plot, than would be the case if there were burials?

Mr O'KEEFFE: Cremated remains, as we call them, are easier to administer than a whole body because they are generally in little plastic containers and you can dig them up and move them about if necessary. So if there is any issue as to suggest a wrong internment or someone wants to exhume those ashes, it is much easier to deal with than exhuming a body.

CHAIR: Do you use the standard right of burial fee? How much above that do you go, particularly as you have a higher percentage of aboveground burial sites than most of the other trusts?

Mr O'KEEFFE: That is the case. About 30 per cent of our services would be above ground.

CHAIR: Why is that?

Mr O'KEEFFE: It is basically a reflection of the composition of the Catholic community. Aboveground burial is traditionally the way that Italians are buried. Most of our aboveground burials would be Italian, not exclusively so but probably 90 per cent of them.

CHAIR: So it follows migration patterns: when Italian families began to arrive in Australia in large numbers?

Mr O'KEEFFE: Yes. I think you used the expression the standard right of burial fee. I do not believe there is such an animal. The chart that I handed up shows some of our rights of burial costs going from 1994 up to 2005. Our current right of burial in a monumental lawn is \$1,980, excluding GST. I think you would find that that is a very modest price compared with most cemeteries in Sydney.

CHAIR: What is the difference between lawn and monumental lawn?

Mr O'KEEFFE: This is what I was referring to earlier. Monumental lawn is a lawn grave where the family undertakes to put their own monument on the grave. That is, it is an individual monument. That is as close as you would get to what you referred to as a standard right of burial.

CHAIR: And that is the anomaly you were referring to before in the evidence we had had previously?

Mr O'KEEFFE: At the top of the column you will see that the right of burial in a lawn grave is \$2,650. That figure includes the headstone and the inscription for the first interment. I think earlier Mr Squires referred to the 1993 plan of management. When it was written and approved by the Minister one of the observations made was that the right of burial fees charged were generally a little low. The observation was made that the trusts were not generally providing sufficient funds for perpetual care of the cemetery and the Minister approved what could be called an unusual increase in the right of burial.

CHAIR: What provision is the Catholic board making for future maintenance and so on? We talked to Mr Williams about this before.

Mr O'KEEFFE: We aim to try to achieve 40 per cent of the right of burial charge allocated to perpetual care.

CHAIR: Do you mean you have not reached it or you vary it depending on circumstances?

Mr O'KEEFFE: That is our aim and we generally achieve it. Any surplus funds at the end of each year are allocated to our perpetual care fund.

CHAIR: Is that similar across the four cemeteries that you operate?

Mr O'KEEFFE: Yes. The small cemetery at North Rocks is somewhat different in that we assumed management of that only in the last few years and they do not have large amounts of perpetual care funds, but we have been working on it.

CHAIR: And it has a shorter life than the other three.

Mr O'KEEFFE: Yes. But that just means that the funds will be required sooner.

CHAIR: But each cemetery you operate separately from a financial and administrative point of view?

Mr O'KEEFFE: Yes, four sets of books are kept.

CHAIR: Is that a legal requirement?

Mr O'KEEFFE: It is for the Crown land trusts.

CHAIR: Is there anything you want to add about perpetual care costs in relation to legislation that you suggest should be changed or do you think we have covered that?

Mr O'KEEFFE: The problem is that there is no legislation determining a requirement for trusts, or any cemeteries for that matter, to have perpetual care funds. It is really only something that has been driven by successive Ministers for lands who have insisted that we sell rights of burial in perpetuity, hence the need for cemeteries to provide for that perpetual care. It is not legislated at all and it needs to be implemented for all cemeteries, not just Crown land cemeteries but private cemeteries, church cemeteries and local government.

CHAIR: There is currently a requirement for care in the sense that you cannot just buy a cemetery and bulldoze it.

Mr O'KEEFFE: That is true, but that is rather extreme.

CHAIR: There is no financial provision but there is provision that cemeteries are dedicated spaces.

Mr O'KEEFFE: Yes.

CHAIR: But your issue is more about the fact that there has never been any requirement for financial provision and prudent management.

Mr O'KEEFFE: That is correct.

CHAIR: Does your board receive many complaints? Can you tell us a little about the nature of the complaints you receive, where they come from and so on?

Mr O'KEEFFE: We do get some. We do not get a great number. As you would appreciate, at the time of a funeral or death there is an awful lot of anguish in families. Quite often there are differing points of view from different members of the family as to how the whole process should be handled. Generally the complaints we get relate to those types of what I call family issues. Sometimes there are complaints that the interment might be in the wrong place: the family has a view that the grave is in one location when in fact it is in another. That is relatively common. Sometimes people do not go back to the cemetery after a burial and they have a perception of where they were standing on the day of the funeral. Quite often they are muddled about that. We generally are able to resolve all those issues directly with the people. We try to do it in that way and not let it go to any legal issue.

CHAIR: Do you get complaints passed on to you by Fair Trading, Health or the Funeral Industry Council?

Mr O'KEEFFE: Occasionally we will get something from Fair Trading. It usually relates to costs, but again we are able to resolve those with Fair Trading or with the family. But that is relatively rare. Mostly the families would come directly to us.

CHAIR: Complaints about cremations probably have not been much of an issue for you?

Mr O'KEEFFE: No.

The Hon. ROBYN PARKER: A number of people have spoken to me about a unmarked graves. Historically, when there was a stillbirth the baby was taken away without the normal grieving process and burial. Do you have any unmarked babies' graves in your section of the cemetery?

Mr O'KEEFFE: Yes, we have a great number.

The Hon. ROBYN PARKER: What is your process for resolving such problems given that parents now are wanting to identify those graves and perhaps put a memorial on them?

Mr O'KEEFFE: We do have a process. You are quite right, more and more of that is happening. We find that people come back 50 or 60 years after the birth and want to locate the grave. All of those types of interments are recorded. So we know exactly where they are and we are able to take people to the grave, identify the location and, if they wish, we will allow them to put a small plaque on the grave.

The Hon. ROBYN PARKER: What sort of cost does that involve usually?

Mr O'KEEFFE: Maybe \$200.

The Hon. ROBYN PARKER: Is it easily traceable if a woman has a stillbirth in a particular hospital on a certain date? How would they trace which cemetery the baby ended up at?

Mr O'KEEFFE: As you probably realise, sometimes those births were not recorded at all. I can only speak for the situation once we have received the remains. I do understand, though, that sometimes the remains may not ever have got to a cemetery. Then it is very difficult.

CHAIR: Do you have any data or any anecdotal feeling for how many graves are visited by family members in the first year and then maybe 10 years down the track? Is there any information on that?

Mr O'KEEFFE: Yes. It is true that as time goes by the visitation rate drops of. I can say that in relation to Catholic cemeteries the visitation rate is extremely high.

CHAIR: Higher than for the other trusts?

Mr O'KEEFFE: Yes. For instance, last Sunday was Fathers Day and I was at the cemetery and it was difficult to get in and it was difficult to get out because of the number of people who were visiting. That is an unusual day. That applies perhaps more so on Mothers Day. The visitation rate generally in the Catholic cemeteries is very high and we find that even after 50 years the visitation is still there—not as much as it might be initially but there are people still visiting after 50 years.

The Hon. ROBYN PARKER: Does that mean that your site would be better maintained given that relatives are probably taking some care of the area?

Mr O'KEEFFE: My view is that it is better maintained but it is mainly driven by demand of those visitors rather than that they are doing any work. So we respond to that demand.

CHAIR: So it has a cost for you because you have more visitors?

Mr O'KEEFFE: Yes.

CHAIR: Is that higher rate of visitation religiously determined or does it relate to particular cultural groups? You mentioned before the preference of Italian groups for aboveground burial. Is it possible to determine those things?

Mr O'KEEFFE: It is really a combination of both. In the case of Italians it is more cultural than religious but it is a bit of both, whereas with other groups it is probably more religious. People tend to go to the cemetery on their birthdays or anniversaries and that sort of thing, whereas some want to come on a regular basis.

CHAIR: The last question we sent you relates to whether the costs of funerals are a significant issue for Catholics. That can be treated as a general question but it is also relevant to the differential cost between aboveground standard burials, if I can use that phrase, and then interment cremations, which are cheaper. Do you have any comment on the impact of costs?

Mr O'KEEFFE: Yes, costs are obviously important to everybody and Catholics are no different. We find, though, that our right of burial prices are not particularly price sensitive. What I mean by that is I am of the view that even if I doubled the price, I would still sell just as many,

because it seems to be driven more by a need for the commodity rather than an issue of price. I am not about to do that, but that is my view.

CHAIR: For instance, there is not more of a move towards cremations because they are cheaper?

Mr O'KEEFFE: No, I do not think so. I think it is a decision that people make for a number of other reasons.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Would this suggest that the funeral industry in general is not very price sensitive and that might be a good thing for those in the private sector seeking to make money from them?

Mr O'KEEFFE: No, I am not saying that. I think it is probably peculiar to our group where they are after a Catholic interment rather than worrying about spending some money. I think generally it is price sensitive and, yes, we are a little different.

CHAIR: For instance, your clients may be more concerned about the money they pay the funeral director because they may not see that as having the sort of religious and cultural dimension that interment at the Catholic cemetery at Rookwood has?

Mr O'KEEFFE: That is probably a fair statement. Having said that, though, I think people are generally concerned about things like the quality of the coffin or the appearance of the coffin. There are a number of things I believe that the public needs to be aware of when they are arranging a funeral. There are various ways where they can reduce costs. Again, I have got them listed in the submission there, but the costs that make up the funeral are the funeral director's fee, embalming, coffin, viewing, flowers, cars, church fees, chaplain fees, organist, newspaper advertisements and then the various cemetery fees.

What the public needs to understand is that there is no compulsion on them to take all or any of those components, and that they can choose. The problem is that at the time of the death most people get into an emotional state and they do not rationally sit down and determine what they can afford. Quite often they find that they have incurred expenses that may be beyond them and that is when you get into difficulties and that is when people start to complain. But there are other ways within that list of minimising the cost of the funeral and an example is just the choice of a coffin; it can vary enormously.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Would you say then that there is a place for an ombudsman or some consumer representative in these sorts of problems?

Mr O'KEEFFE: Well, I suppose there could be, yes.

CHAIR: You are in the much more regulated sector of the funeral industry. As we heard earlier this morning, on the whole there has been a decrease in the amount of regulation. Would you have a view about the extent to which the industry needs regulation?

Mr O'KEEFFE: I am not sure that there has been much deregulation as far as cemeteries and crematoria go. My view is that there never was much and perhaps no need for it. Most of the regulation really relates to the funeral director's side of the operation.

CHAIR: Because that is where the health issues are?

Mr O'KEEFFE: It is where the health issues are and it is where the families go to arrange a funeral. The first point of call is to a funeral director. People generally do not come and contact us.

CHAIR: They tell the funeral director that they want their person buried at Rookwood Catholic Cemetery?

Mr O'KEEFFE: That is right, so we initially do not have that contact. Hence, we are not able to give any advice to the family. By the time we come into contact with the family, it is too late.

CHAIR: Does anyone ever come to you and say, "We want to conduct our own service or have our service conducted in your chapel" without going through a funeral director?

Mr O'KEEFFE: No, I do not think that has ever happened, to my knowledge.

The Hon. IAN WEST: I was looking at the cost comparisons. I really do not understand. On this list you have got that in 2005 a right of burial is \$2,650. Are you telling me that if I sought to purchase a funeral, I could get one for \$2,650?

Mr O'KEEFFE: That is the right of burial; it is not the funeral cost. That is the grave cost.

The Hon. IAN WEST: So in terms of all-up costs I am looking at something like \$5,000, \$6,000 or \$7,000?

Mr O'KEEFFE: That is the order of it. I would suggest probably \$5,000 or \$6,000 rather than \$7,000.

CHAIR: Why are your prices very much cheaper than the Anglican and General?

Mr O'KEEFFE: I do not know. All I can say is that at the prices we charge, we are very comfortable. I suppose there is some slight economy of scale that would favour us, but having said that—

CHAIR: That is because of the fact that half the burials at Rookwood are done in the cemetery?

Mr O'KEEFFE: Because we do more, yes. But also, even with those modest costs, we have probably accumulated much more in the way of perpetual reserves than any of the other cemeteries, and that is not just Rookwood; that is probably all of them, so you can draw your own conclusions.

CHAIR: But you are not prepared to speculate as to why that is the case?

Mr O'KEEFFE: Well, I suppose it just boils down to efficiency.

CHAIR: We probably should have asked Mr Williams the same question.

Mr O'KEEFFE: Well, you asked him about his reserves and what we do is we employ a consultant actuary to come in every three years or so to work out the amount of perpetual care funds that we need, given our burial stock, remaining life, et cetera. We need something in the order of—and I am talking of just Rookwood here—\$60 million and I am confident that we are going to achieve that.

CHAIR: But your percentage is smaller than the percentage that Mr Williams quoted, so that is obviously related to the costs. It is also true, I think, that the scale of costs for the Anglican and General Trusts varies considerably compared to the different cultural and religious groups. I guess they do have a much greater variation in that respect than the Catholic cemetery does.

Mr O'KEEFFE: I think most religious groups, including ourselves, tend to try to cater to their own community and not charge too much.

CHAIR: But the costs vary, depending on the specific needs or requests of different communities?

Mr O'KEEFFE: Yes.

(The witness withdrew)

(Luncheon adjournment)

ZENITH ISABELLA VIRAGO, Consultant and Celebrant, and Co-ordinator, The Natural Death Centre, P.O. Box 349, Byron Bay, affirmed and examined:

CHAIR: Have you received the questions from the Committee?

Ms VIRAGO: I have. I would also like to make an opening statement if I may. I am a professional, full-time freelance civil celebrant, and as part of that work I am a funeral consultant and celebrant. I have a background in the law and community work, and I am an educator on matters pertaining to death, dying and funerals. I speak to and train carers for hospice services, palliative care workers, individuals and community groups. As a civil celebrant I fulfil a non-sectarian role, working with births, deaths and marriages, often within the same family, and I am interconnected to many people in several different communities. With other interested people we have established The Natural Death Centre, following in the footsteps of the organisation in the United Kingdom. In this role, I fulfil an informative and educative place in my local communities. I field national inquiries, and I feel that we are part of an international movement which promotes and offers a more accepting and natural approach to death, dying and funerals.

In a nutshell, my work is about demystifying death, assisting people who wish to be more informed and more involved in this emotional, important and transitional time. We are coming with a more open and sensitive attitude to the whole process. I consult with people who are well, and people who are dying, and their families. I assist the bereaved to create an appropriate and meaningful rite of passage. I assist people to bury their own dead or to take a do-it-yourself approach. I work in conjunction with all parties involved, and I also conduct the funerals as a non-denominational celebrant. I am also a conduit, a resource, a font of useful information about what is legal and what is not. I come from 11 years of experience on the coalface. I often deal with people who are dying at home or who are waiting to do something that may seem a little different, or who are wondering what is allowed. I offer guidance, assistance and information about the legal and social aspects of death, dying and funerals. My experience is clearly that people want to be better informed about what their options are, which may involve debunking some popularly held myths.

I attempt to approach this work with openness and honesty, with the simple belief that death is a natural part of life, that decisions around funerals are an individual and personal choice, and that everyone is entitled to the truth, to advice and guidance that can make that time of sadness and loss a little easier. The North Coast of New South Wales is a great place to live but it is also a great place to die. Many people are living lifestyles that allow for a more accepting approach to the inevitability of death. Many people, myself included, feel that death is a natural part of our life cycle and we are not caught in superstition or dogma. It is not something to be feared or ignored, but part of the mystery of life.

Death comes in many ways, but generally it is either sudden or expected. It offers us a chance to feel sadness and loss, to grieve and to grow. Some people prepare themselves during their life for their approaching death; they have open and honest discussions with their family and friends. As part of that acceptance they choose to have a funeral that truly celebrates their life, rather than getting swept up in a death style that is inappropriate. They also want to treat their children with respect and tell them the truth about death and funerals. Clearly my experience is that this benefits children.

Once you have experienced a funeral that really served its purpose well, it can be a revelation, and it is then very hard to settle for less. Many people have a faith or religion that supports them, and within that faith there is a doctrine that gives direction and offers comfort at the approach and around the time of death. But for some people who live without practising a traditional religion, it is possible to do this in a non-sectarian way, which is just as sacred. This approach is about acceptance, appreciating the experience and celebrating that individual life in a way that allows the bereaved to be more involved and to make it much more personal.

By participating fully just as they would in other decisions and transitions in their life, and by being offered clear options, they get to consider what is available, what is possible, and make choices that are informed and appropriate. Quite simply, one cannot change the circumstances of the death, but by creating a meaningful and appropriate rite of passage they are doing something creative with those emotions. When there is the opportunity to reflect on the funeral, they look back and say, "Well,

it was sad when dad died but, hey, that was a great funeral". Often it brings a smile and a warmth at the memory and they have eased their grieving process. It is vital in any changes to the legislation that these options remain and that there is still a place for the individual approach, such as being able to keep the body at home for a while, to wash and dress the body themselves, to build one's own coffin and to personalise it inside and out, to use a recycled cardboard coffin—which is more environmentally sound and a much cheaper option—the option to drive the deceased in an old, familiar and loved family vehicle or to bury on private ground, planting a tree to watch it grow. It can involve taking the body home one more time so that there can be a sense of completion.

As the law stands, it is possible to go from the deathbed at home to the crematorium or the grave or to bury your own loved one, including attending to the legal paperwork. Some people have a need and the capacity to do this process themselves without involving strangers or professional undertakers. For the past 11 years I have been advising many different communities on their options, both legal and social. Many of them choose options, once they are offered, that involve quite a large degree of participation. For those who do not want to participate, the funeral directors can do it all. But for those who want to achieve a more personal send-off, they can do it all themselves.

Over the years the face of funerals has changed considerably. Many funerals are now held at home, in a garden or in a local park rather than at a chapel or graveside. In Lismore we are fortunate to have a council-owned crematorium and cemetery and a funeral director who holds customer care and service paramount. She is a great example of what compassionate and high standards the funeral industry is capable of. But we also have funeral directors who are unhelpful and often misleading. We are doing death and dying well. We are opening up what some consider to be a taboo subject and teaching courses for preparing for death. It is my experience that people just want the simple truth; they can handle it—they are adults anyway. They want it in an honest and understandable way and they want to take a more natural approach.

So at the moment if you understand what is involved lots of things are possible and it is essential that those options stay there. Large international and national corporations are moving into the funeral industry. There is a lot of money to be made. In some areas these corporations own various links in the chain—funeral parlours and crematoria and cemeteries. This allows them not only to control the rise in costs but, more importantly for some, to control the options that are available. Looking forward, we feel that increasing numbers of the public are clearly wanting a more flexible, open or holistic approach or even a more organic way of experiencing these individual and important life experiences. Some want a cheaper way, and by keeping the avenues open for more involvement and participation this can go towards healthier individuals, and thus a healthier society.

So to give someone you love a good send-off—whatever that may be—should not be something that adds unnecessary distress or financial distress at an already difficult time. I am speaking on behalf of myself but also on behalf of many people who do not hold religious beliefs or practice religious beliefs and who want to have a variety of individual, affordable and meaningful options in their decisions.

CHAIR: Thank you. You have answered some of our questions but also raised some questions too. You have been conducting funerals for 11 years?

Ms VIRAGO: Yes, for 11 years.

CHAIR: And you also conduct celebrations for marriages, births and so on. Is it the same time scale?

Ms VIRAGO: Yes, the same time scale.

CHAIR: You said that you often do different services for one family—you are called on to celebrate different milestones.

Ms VIRAGO: Yes, within their cycles.

CHAIR: How do people contact you? How do people find you as distinct from finding the local church, of which they might be members?

Ms VIRAGO: They can look in the *Yellow Pages* under "Celebrants" but I am also well known to lots of funeral parlours, which will contact me if families go to them and say, "We don't want a religious service; we want a celebrant". Then they will contact me. But I am also very well known because I am advocating on lots of different levels. So people contact me directly. They will often find me through the Internet. People email from all over Australia just to ask one question—whether something is possible or where they can buy a cardboard coffin, which is the most popular request.

CHAIR: In terms of conducting funerals, you are based on the North Coast. You mentioned Lismore. How wide an area do you cover as a celebrant?

Ms VIRAGO: I travel from the Gold Coast to Lismore and slightly west. I am too busy to go much further than that.

CHAIR: How many funerals, for instance, would you perform in a year?

Ms VIRAGO: I may perform about 40 but what I have been doing for the last three years is education for people who want to be celebrants and for people who want that information and the process so that, when the time occurs for them or for somebody in their family or community, they can undertake that process themselves. It makes me less in demand by sharing the information.

CHAIR: Do you perform that training function in the same geographical area or do you travel?

Ms VIRAGO: I have travelled. I travelled to Coffs Harbour. I think Leah Munroe put in a submission to you. I went to their group, which works under the hospital. I also went to Tweed Heads to train their volunteers at the palliative care.

CHAIR: When you say "training" for carers, are you also training celebrants?

Ms VIRAGO: Both—individuals, celebrants, carers and volunteers for hospice services so that people can die in their own homes or as visitors in hospitals.

CHAIR: Is this all part of your business, so to speak?

Ms VIRAGO: It is. I am a member of a hospice service and I donate that time as a trainer.

CHAIR: So all the training you do is done on a voluntary basis.

Ms VIRAGO: No. To non-profit groups I give my time freely but I also teach in my own right to individuals and I charge a fee for that.

CHAIR: That gives us an understanding. Obviously funerals, as such, are a relatively small part of the work you do.

Ms VIRAGO: They are, but I spend a lot of time giving advice and consulting for people who I never meet, either via the Internet or on the telephone.

CHAIR: Looking at our earlier factual questions, if you are doing about 40 funerals a year roughly how many are burials and how many are cremations?

Ms VIRAGO: The majority—at least 90 per cent—would be cremations. It seems that people with religious beliefs are more attracted to the attachment to the body and so they want to keep it for longer; whereas people who do not have religious beliefs are much more able to let the body go at that time.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That is the wrong way around, is it not?

Ms VIRAGO: No. With cremation the physical body is gone.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But they are going up to the hereafter—

CHAIR: This may be outside our terms of reference.

Ms VIRAGO: It is about attachment to the body. Whatever the spiritual beliefs are, there is something else. Most people are not attached to the physical body. Sometimes with children people are more inclined to bury a child because they are not ready to let the body go from their physical reality.

CHAIR: The 90 per cent plus figure that you have given is much higher than we heard this morning. There are very big differences in percentages between the Catholic and the Anglican cemetery at Rookwood.

Ms VIRAGO: People with a religious belief, and sometimes a doctrine that prefers burial to cremation is much stronger.

CHAIR: We have asked you bluntly what you charge for your services. We are also interested in how your services fit in with the overall scale of charges. For instance, if the funeral director contacts you, you are only part of a bigger sector.

Ms VIRAGO: I charge a celebrant's fee, which, for a funeral, is usually \$450. Usually it is two days worth of preparation and then the conduct of the ceremony, which is the same as the marriage, but it involves at least four times the amount of work and time. A lot of the time I do not charge a fee because of the circumstances. I have an attitude that the weddings I do support my work with death. A lot of the time I am giving that information away freely as part of something that I believe in: the more people are empowered the more they can benefit themselves. For the training of groups I am giving it away free. I do not charge an hourly rate. Often I meet with people on a consultative level and when I listen to their story I do not need to charge them.

CHAIR: Is there a fee guide or a suggested price for a celebrant?

Ms VIRAGO: Different organisations have a guideline, but, as you probably know, there is no licensing requirement to be a celebrant for funerals. People can charge what they want. The clergy charge a very small fee, maybe \$150 or \$200. I do not know what it is in Sydney, but that is what it is on the North Coast. As independent celebrants we charge what we are worth. I am worth much more than that, but I do not and cannot charge for the amount of time I put into it.

CHAIR: In terms of the overall charge that a family or friends of the deceased might end up paying, your part of it is basically the same part as a minister of religion?

Ms VIRAGO: Yes.

CHAIR: The decisions people make about coffins, flowers, cars, burial spots or whatever are made by those people?

Ms VIRAGO: Yes. But I am also working as a consultant, so people will ring me and say, "We want to bury our own person", whoever it is. I give them that information and tell them about the legal paperwork and what is possible. Sometimes it is a financial thing, sometimes it is an attitudinal approach. I tell them that they can build their own coffin for \$100 and they can pay the fee at the crematorium, which is something like \$650. They need to get two fees for the medical referee and the attending doctor, and they can come in at under \$900 if they want to do it themselves and they follow all the requirements.

CHAIR: What percentage of your 40 a year would be the more do-it-yourself funerals?

Ms VIRAGO: They do not come under that at all because I am encouraging them to do it themselves. I am assisting them with guidance and information. There would be another 20 of those.

CHAIR: Do you do funerals where some of those things, such as a cheaper coffin, a part of it so that the whole cost of it is less because of your advice?

Ms VIRAGO: Much less. Lots of people want to build their own coffin. If you can build a bookshelf you can build a coffin. It is that simple. I have a heap of photos here of handmade coffins. I do not know if you are interested in them, but they certainly will brighten up your day.

CHAIR: How many of the funerals you do would involve a handmade coffin?

Ms VIRAGO: Probably at least 50 or 60 per cent.

CHAIR: Half of the funerals you do are different?

Ms VIRAGO: They are all individual, that is for sure. The other thing I want to draw your attention to is this book called the *Natural Death Handbook*, which comes out of England. It has a lot of resources and things that the English take for granted, such as natural burial sites. People are buried standing up, trees are planted and there is no big monument to them. There are cardboard coffins as a matter of course, wicker coffins and bamboo coffins. People are buried without coffins in felt body bags or shrouds so that they organically return to the earth. There is no plastic lining. A lot of people see this as a much more practical way. In Australia we are way behind and overregulated with a lot of global attitudes.

For me it is part of a looking forward rather than looking back perspective: more and more people are looking in this direction to open that up and become more flexible. It would be beneficial for your inquiry to understand what is happening overseas. In countries that have high population and small resource of trees cardboard is the way to go, whereas we have a small population and a high percentage of trees and there has been some obstruction by some privately owned crematoria and cemeteries that say that cardboard coffins are not usable and not appropriate. But elsewhere they are using them in incredible volumes. Last year I buried my mother in England in a bamboo coffin, which is standard procedure by funeral directors there. It is a whole different approach. You really ought to try to open that up in your lines of inquiry.

The Hon. ROBYN PARKER: You said we are overregulated, yet other people have called for more regulation. The majority of our evidence has been that there needs to be more regulation or, at least, consolidation of government departments supervising and more specific legislation. How do natural burials equate with the environmental aspect when you talk about burying someone in felt? How do you equate the two possible conflicts?

Ms VIRAGO: If best practice procedures are undertaken by everyone involved it will be okay. We bury animals, but we do not put them in a box. I am living in a rural area where people can bury any animal they want in the ground unsupervised. I am also dealing with people who are burying on private ground. They fulfil the requirements of local council policy as they bury on their own farms or any property that is over five hectares. As part of your guidelines looking at running out of space in cemeteries, it would be great to encourage more burials on private ground or more communities to open up their own cemetery area on their land. I am involved with probably two or three of those a year where there is a community or it is private ground and they are burying there. They are fulfilling the requirements and doing that. You can do all that procedure within three days of the death. You get somebody out from the Health Department to do it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It has been suggested that a do-it-yourself burial is treated almost as some sort of joke, as some sort of nut behaviour.

Ms VIRAGO: Perhaps, but certainly not on the North Coast.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: In the Department of Fair Trading guidelines the possibility of this was alluded to, but it certainly was not spelled out as the "how to". It was all about how you deal with the funeral director. Do you have a comment on that?

Ms VIRAGO: I have lots of experience and this is a small sheet on how to do it yourself. This is the procedure.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are showing us two pages.

Ms VIRAGO: It is a burial on private ground, cremation, collection of the body and burial at cemetery. It is what is involved. It is a very simple procedure. A lot of people undertake that very easily.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You would like it demystified and deindustrialised?

Ms VIRAGO: I would like that option to remain for those who want it. It is not everybody's cup of tea. Some people spend their time better grieving, especially in the case of sudden death: it happens and you are thrown into that situation. But a lot of people are involved in expected deaths where somebody has been dying for six months and they have lots of time to make those preparations, come to terms with it, discuss it and create something that suits everybody that is a compromise sometimes between the bereaved and the person who is dying. A lot of people are not afraid of death. They are not suddenly spun out by it. It is part of life. The more experience you have with it the more familiar it becomes and the less terrifying it becomes, and the more able you are to deal with it. For me the whole approach to do it yourself already suggests. But in this book, for example, a lot of the cemeteries offer assistance to people who want to bury their own dead because they see it assists people in the process of dealing with the dead.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do any cemeteries assist people in that way in Australia, in New South Wales particularly?

Ms VIRAGO: I cannot speak for anywhere else, but in Lismore they are very accommodating to everyone who wants to do the procedure themselves as long as they complete the paperwork properly. They will direct them to me to assist them to do that, and I do that as a matter of course. They have a special form that if you build your own coffin you take responsibility for it because it is a one-off custom coffin.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: And it might fall to pieces or something?

Ms VIRAGO: It might, but it does not. It is that whole-duty-of-care approach. They are very open to it, but that is because it is council owned. Private cemeteries are often reluctant to accept cardboard coffins. I am already burying and cremating in cardboard on the North Coast, and have been for at least the last six years.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I received a document called "A Friend at the End", from Eco-Coffins and another one from "Life Art".

Ms VIRAGO: Eco-Coffins are standard in England. That is a product that you can buy here through an agent, but it is normal procedure there.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Have they been okayed by the funeral directors? In evidence we had from them they were reluctant to accept any coffin that had not been tested by WorkCover, which is the testing agency.

Ms VIRAGO: In the photo album you will see that cardboard coffins are being burnt at the Lismore crematorium with the workmen there. I have letters from the manager of the crematorium saying that these are perfectly acceptable because the material they are made from is very heavy duty, triple ply cardboard. It is not like a box you put the fridge in.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have any evidence of funeral directors refusing to take cardboard coffins or not encouraging do it yourself?

Ms VIRAGO: Yes. I do not have it personally because it is okay for us. We have a council crematorium that will accept them. I have a lot of phone calls from people who say, "They say we can't do this. They say we can't do that. We can't take the body home."

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: "They" being who, the funeral director who has been entrusted with it, the hospital, or who?

Ms VIRAGO: The funeral director with whom they are dealing. Sometimes people change funeral directors and another funeral director will go and collect the body from the other one because they are prepared to do what the client wants.

The Hon. IAN WEST: How would you describe your relationship with the funeral directors, the crematoria and other associated people in your area?

Ms VIRAGO: In the area I work in I would say it is a great working relationship. I am saying that the crematorium refers people to me to assist them so that they do not have to use an undertaker.

CHAIR: That is in Lismore.

Ms VIRAGO: And Tweed Heads. They are the nearest crematoria. Within that area both of them are perfectly fine.

CHAIR: You mentioned one funeral director in Lismore positively, but you suggested that other funeral directors were not quite so amenable?

Ms VIRAGO: Some of funeral directors are obstructing rather than assisting.

CHAIR: To you. We are talking about your experience.

Ms VIRAGO: I have had that experience in Sydney with a death and I have had that experience myself with some funeral directors. But more and more, because we are an assertive community, the funeral directors are changing and becoming more open to what the customer wants. Instead of blocking it they are accommodating it.

The Hon. IAN WEST: You said that when your mother passed away in England you had used a cardboard coffin and there was no problem. That practice was quite common over there?

Ms VIRAGO: Yes. I used bamboo. I looked through the catalogue of coffins and there were cardboard, wicker, bamboo, timber. That was a really regular funeral director.

CHAIR: Have you or your clients faced particular issues with funeral directors in relation to people's requests to wash and dress a body at home, or to keep a body at home longer than would normally be the case?

Ms VIRAGO: No. My experience is that because there is a funeral director who works completely within the legislation that is very accommodating and caring, most people will go to that funeral director because they know that they will not be obstructed. In the past with others they have been told that they cannot view the body. I have asked to be shown the legislation that says I cannot view the body.

CHAIR: From your specific experience we should take it that you are really working with particular funeral directors and two crematoria that you have named. You know in advance that they are sympathetic or relatively easy minded.

Ms VIRAGO: I would not say easy minded. I would say they are professional or in a professional capacity they are open to not just the mainstream approach but a more natural and involved approach by the bereaved.

CHAIR: Earlier you commented that advice that enables people to do the funeral themselves within three days requires them to get someone from the health department.

Ms VIRAGO: Yes, if you want to bury on private ground normally the procedure is that you lodge an application with the council, they send someone out from their health department to inspect.

CHAIR: The council's building and health department, not the New South Wales Department of Health?

Ms VIRAGO: No.

CHAIR: That would probably be a difficult thing to organise in the time span?

Ms VIRAGO: Yes.

CHAIR: Is the local government in your area sympathetic or helpful in relation to those requests?

Ms VIRAGO: Yes.

CHAIR: Have you worked with many of them?

Ms VIRAGO: Yes, at least four local councils within that area. All of them have a policy. If people abide by that policy and go through that procedure, which includes undertaking to register a right-of-way on the title deed, they fulfil their part.

The Hon. KAYEE GRIFFIN: Did you say register a right-of-way?

Ms VIRAGO: Yes, you cannot do that in three days but if you bury on private ground you have to undertake that you will register a right of way to that grave. That is shown on the title deed and people can walk to that grave site. If the property is sold on, people have a legal right of way to access that, but only by foot, not by carriageway.

The Hon. KAYEE GRIFFIN: You mentioned four councils, who were they?

Ms VIRAGO: Lismore, Ballina, Byron and Casino.

CHAIR: Not Tweed?

Ms VIRAGO: No, I have not needed to go to Tweed.

The Hon. KAYEE GRIFFIN: I thought Lismore was amalgamated with Richmond River?

Ms VIRAGO: It may be now, I don't know about that, but some years ago I dealt with them.

The Hon. KAYEE GRIFFIN: You have not dealt with them in recent times?

Ms VIRAGO: Not with Casino, but with the others.

The Hon. KAYEE GRIFFIN: Do you deal constantly with the others?

Ms VIRAGO: Yes, if not me, I assist the people who are dealing with them.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you believe that this Committee should make it a right, and facilitate your type of natural death approach, in its report?

Ms VIRAGO: Absolutely.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think the Committee needs to enforce such a thing against the vested interest?

Ms VIRAGO: Yes, unequivocally. That option should be there.

CHAIR: Current legislation allows most of what you are advocating?

Ms VIRAGO: It allows all of it.

CHAIR: But the problem comes in if you see a problem with individual funeral directors or with local government areas when there are cemeteries or crematoria that are not sympathetic. Although the legislation allows things, barriers come up when you are dealing with people in the industry. Is that the case?

Ms VIRAGO: The potential is there. If the end of the line is owned privately they can dictate what gets through the gate, for example some crematoria already say that you cannot come in unless you come in through a funeral director. The funeral director would say that they will not allow you to proceed if you have a home-made coffin even though it meets all the requirements. The danger is there if both of those are owned by the same company, which is the case now in some areas. For me, that is a blockage of consumer rights. The Pensioners Association would probably appreciate that more than anybody.

CHAIR: We have a situation in which the legislation exists that allows people to do what you are advocating but the legislation does not prevent funeral directors or crematoria managers from stopping people from doing some of those things. How would you advocate that that change be made?

Ms VIRAGO: I am not sure, because I am not a legislator. Somewhere the legislation should provide that individuals or consumers have a right that if they meet all the requirements that they do not necessarily need to proceed through an undertaker or get all the parts from an undertaker, but they can still drive in their own car, that they can build their own coffin: As long as it meets all the requirements, which is exactly what is happening now.

The Hon. IAN WEST: You want appropriate and adequate regulation, not deregulation?

Ms VIRAGO: I am not sure of the difference, I am speaking in the hope that that provision will come, will remain or come, whatever.

CHAIR: As the Hon. Robyn Parker said earlier, there is a difference of opinion as to whether there should be more or less regulation in this industry. That difference of opinion comes from various different groupings.

Ms VIRAGO: Hopefully it will become clear to you as you listen to all the evidence and get the big picture, how that needs to work.

CHAIR: That is, if an industry is mostly privately run and, therefore, the Government does not intervene. You are saying that the things that you and your clients want are not happening because of people in private industry who are wishing to do things that way?

Ms VIRAGO: Yes, that is what I am saying. I am a resource centre for lots of people because people do not tend to question very much, especially at that time, they are not doing it beforehand. When someone says you cannot do this, you have to do that, they assume that that person is telling them the truth, and they do not question it. Later on they might find out that they could have done it because there was provision for it. The whole thing about best practice is if people are given the truth and the industry perpetuates that, people can make informed decisions.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Obviously what you are doing does not make any money.

Ms VIRAGO: No, that is all I do. I am a full-time celebrant. I do not have a normal type of job.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The aspect of advising people how to work through what is painted is being a legal minefield obviously takes time and obviously there is not going to be too many people doing something that makes no money. Do you think that the Department of Fair Trading should have a person to do what you do in a sense, to advise people?

Ms VIRAGO: I could charge, sometimes I choose not to. I prefer to get my own income, to support that part of my income, from something else. But I can charge an hourly rate and there are people who are doing that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: At the moment people would not know where to go for that sort of advice. If you do not have some sort of institutional position or social position to give that advice—and I saw you had a bunch of clippings from, presumably, the *Byron Shire Times* and various newspapers, so people know about you. Outside your area, people in Sydney, would not know. They would go to a funeral director and get that advice. Unless some person gave them that advice, generally a person working in a not-for-profit organisation, on how to go through a legal minefield, or complicated procedure and then stand up for their rights against other vested interests generally requires some institutional benefit?

Ms VIRAGO: It would be great if the Department of Consumer Affairs or the Department of Fair Trading issued booklets that encourage people to understand the whole process and to participate in that with knowledge. A book put out by the Redfern Legal Centre called *Rest Assured* is in its fifth printing and fifth edition. It is a small book that costs about \$20. It covers wills, funerals and estates. It gives the procedure to do that yourself. More and more people are looking for those things and finding them, especially people who are not practising a religion.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You recommended that the Committee should recommend that the Government do that sort of function far better? It should not be up to you and the Redfern Legal Centre to be the only resource of getting effectively through government regulation?

Ms VIRAGO: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If the Government makes regulations about funerals, it should tell people how to implement those regulations themselves?

Ms VIRAGO: Yes, that that is possible, and this is how to do it.

The Hon. KAYEE GRIFFIN: On the issue of the right-of-way, if there is no funeral director involved in a service when someone is buried on private land, who registers the death?

Ms VIRAGO: Anybody can register the death, but usually it is the next of kin.

The Hon. KAYEE GRIFFIN: If the person is buried on private land, what detail goes onto the death certificate about where the person is buried?

Ms VIRAGO: Someone has to sign to say that they have delivered the body and where they delivered it. It is on the Registration of Death form. There is a part for the crematorium and a part for the cemetery. You just give the answers, whatever they are.

The Hon. KAYEE GRIFFIN: Later on, how does someone know that that parcel of land has changed ownership? How does someone know that there is a right-of-way to visit that grave?

Ms VIRAGO: Because it is on the title deed, like a caveat. It is also on the deposited plan of that property.

The Hon. KAYEE GRIFFIN: Apart from being on the title deed, people are not told that there is a right-of-way to visit that grave.

Ms VIRAGO: No, but it won't be on the death certificate. The right-of-way will show up on the title deed of the property.

CHAIR: And the death certificate will show where the person is buried?

Ms VIRAGO: Yes.

The Hon. KAYEE GRIFFIN: But it is not on both?

Ms VIRAGO: No, the information about the right-of-way would not be on the death certificate. It does not fall under that category.

CHAIR: For a start, there would be a considerable time lag.

Ms VIRAGO: Yes. Most people apply for a death certificate within a couple of weeks. It can take a bit longer and they will not apply for the right-of-way until a few weeks down the track because it is another procedure.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You said that the land has to be five hectares in size. Do you see any reason for that stipulation?

Ms VIRAGO: No. Each council makes up its own policy for burial on private ground, as part of its policy and procedure. Generally it is a piece of land that is five hectares or more. Some councils require 40 hectares. I think it is a leftover from when some areas were divided into larger pieces of land; for example, in Byron shire it used to be two hectares.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there any particular reason why it has to be large?

Ms VIRAGO: No, but I think so it can be away from the house on a rural property, even though I have been involved with a burial where this is the house wall and you are the grave. So as long as it is not near a watercourse is usually the overriding thing for everybody.

CHAIR: I think you have lent us the folders that we passed around.

Ms VIRAGO: No, I have taken them back and I am giving you the information on the coffins and I am drawing your attention to the book.

Motion for the production of documents moved by the Hon. Robyn Parker.

(The witness withdrew)

ALI ROUDE, Acting Chairman, Islamic Council of NSW, P. O. Box 423, Greenacre, and

WASIM RAZA, Secretary, Muslim Cemetery Trust, Rookwood Cemetery, Memorial Avenue, Lidcombe, sworn and examined:

CHAIR: I have sent you some questions but would either of you like to make an opening statement before we start on those?

Mr ROUDE: I am glad the State Government is taking an interest in issues relating to death and all the other matters associated with it. We met the Minister for Lands in 1999 in relation to the lack of space at Rookwood Cemetery, then we had another meeting with Aquilina when he was the Minister and discussed the same subject. Recently, in June this year, there was a meeting with the Minister for Lands in relation to the same subject. During the meeting with Minister Aquilina at that time he indicated that the Government has not given priority to this matter. So there was no planning at all and it is time that the Government gave priority in relation to making space available, not only to the Muslim community but other religious groups also facing the same problem in relation to space. So I am just giving you a brief background.

CHAIR: We heard this morning from Mr Squires from the Joint Committee at Rookwood and he gave us an indication of when the areas may run out and he said he estimated that the Muslim area would run out in 2007 and would be the first of the various trusts where land would just literally run out. So we understand your concern. Mr Raza, did you want to say anything before we start?

Mr RAZA: No, you can start now. I agree with my Chairman.

CHAIR: We wanted to know about the different practices that Muslim communities follow for funerals compared with other communities or the different groups that use Rookwood. Obviously we want to know about them because of the way in which they make a difference in terms of the funeral industry and the shortage of space and so on. Can you run through some of the particularly Muslim practices?

Mr RAZA: The burial is almost the same with all the sects in Islam: the bodies are buried in the ground; they have to be lying flat on their back and head turned to the right shoulder and facing Mecca. That is how the cemetery has to be aligned like that. In Rookwood for this reason you lose some space because the graves cannot be head to head, there has to be a parting in between each row of graves. So that was the concern expressed to me by the people who are doing the conservation work for the Department of Lands. It was explained that there is nothing that can be done about that, it has to be that way that the bodies have to be buried.

At the moment where the bodies are buried in Rookwood the grave is dug about 1.8 to 1.9 metres and at the bottom of the grave we make a vault with the concrete blocks facing the earth and then the body comes from the funeral in a reusable coffin, which is a metal coffin—stainless steel—and the body there is shrouded in a cotton shroud and it is lifted out of that reusable coffin, placed inside the vault and then the vault is closed again with the timber on top and then the soil is poured over it. That is the current practice. Most of the religious faiths, Sunnis, Shiites and all the others, they agree with this method of burial here.

We had an example the other day, and I was not aware of it, but they brought the body, they put it in the hole and they did not want to make a vault around it, just throw the soil on top. I do not know which faith that was, I will have to inquire about that. But that would be just an exception; that is not the rule. It is usually a vault is made inside. The way they do it in other countries: in Pakistan, where I come from, you dig the grave wider inside and in the middle you dig another narrower inside and you put the body in that narrow opening and then you cover that with the timber. Here we tried that but it did not work so we used that method—the vault with the concrete blocks.

CHAIR: It did not work because of the nature of the soil?

Mr RAZA: Yes, because of the nature of the soil. The people were not very happy about it. I tried to do three or four graves and we had complaints so we just stopped.

CHAIR: How long have you been the secretary of the trust?

Mr RAZA: I have been since under Mr Squires' administration. When he left then we took over. That was in 1995.

CHAIR: According to the practices of Muslim communities can the grave be used for another member of the family or is it only one burial per grave?

Mr RAZA: Here this practice is not adopted but in other Muslim countries the same grave is used after three or four years and put another member of the family in there because the body decays very quickly with the soil the way it is in most Muslim countries, but here people will not mind if they are buried in the same grave with the family member but the way the soil is here in Rookwood, if you look in a grave it is full of water.

Mr ROUDE: It is a concern which was expressed by many of the relatives. In one case they tried to bury a relative of the deceased and when they dug the grave they found that the body remained the same in the water; it was still there in the clay. There is no objection Islamically to rebury another relative of the deceased and often many people prefer it that way, but practically it is a problem—at this stage anyway.

CHAIR: I am looking at the map of Rookwood. Is that because of the particular place that the Muslim Cemetery is?

Mr RAZA: I think it is the whole cemetery. Mr Squires will tell you it is the whole cemetery. That is how the landscape is there and that is why we do not encourage it because it is a very traumatic event for people when they see the half-decomposed body floating.

CHAIR: So that problem contributes to the forthcoming shortage of space?

Mr RAZA: The shortage, yes.

CHAIR: How old are the oldest graves in the Muslim section?

Mr RAZA: 1979 was the first burial.

Mr ROUDE: That is in the independent area.

Mr RAZA: I am asking Mr Squires because he assists us a lot, his office, in maintaining our records and things like that.

CHAIR: That is fine, it is just we need you to then tell us officially for our record. So it is relatively new—25 years or thereabouts—as a separate section?

Mr ROUDE: We are not counting the Afghans—150 years ago—that is another matter.

CHAIR: That is what I was wondering. Where are they buried, for instance? Are they just in the general cemetery?

Mr RAZA: They would be in the outback somewhere.

CHAIR: Would they all be in Broken Hill?

Mr ROUDE: Probably Broken Hill.

Mr RAZA: Up in the Northern Territory also.

CHAIR: The camel drivers?

Mr ROUDE: That is right.

CHAIR: We were in Broken Hill last week and we went to the cemetery.

Mr ROUDE: There is still a mosque there you would find for tourists to see.

CHAIR: In terms of the particular practices that Muslim communities follow are there any problems that come up when people are dealing with funeral directors? Presumably when they come to the cemetery they are fine because they deal with you—

Mr RAZA: Not in terms of the funeral director because there is one for each large community. There is one Turkish funeral service in Auburn that deals with mainly Turkish, but anybody else who goes there they would handle them. Then in Lakemba there is an Islamic funeral service connected with the Lakemba mosque; they deal with all the Lebanese and, again, the other minority. Then there is Allawi, an offshoot of Shiite religion; they have an approved funeral parlour up in Marrickville. We have not heard of any complaints.

CHAIR: And most of the people that you are talking about would go to a funeral director that they know has got this particular religious commitment and experience?

Mr RAZA: A particular faith. There are some differences when the body is prepared for burial, when the body is washed. So there are minor variations in each faith. They prefer to go to their own funeral director who is of the same sect within Islam.

CHAIR: Does anyone try and do it themselves more or less? In your experience has anyone ever come to you and said, "We do not want to go through a funeral director. We want to handle the body ourselves and do everything that is necessary"?

Mr RAZA: The Muslim Cemetery as well as the funeral parlour has kept the prices very low. We are told often that it is very low, you must increase it, but that is probably the reason why nobody has complained, and they just come.

CHAIR: How do you keep prices low? What do you do to keep them down?

Mr RAZA: The funeral parlour is owned by the Lebanese Muslim Association and it is a not-for-profit, so they were just recovering the costs and no profits involved. Similarly at Rookwood, the burial space we are currently charging about \$1,400 plus GST; the funeral parlour charges about \$1,200 plus GST, so it is relatively cheaper than the other denominations.

CHAIR: What about the Turkish funeral director you mentioned in Auburn?

Mr RAZA: Similarly there also. I am not familiar with their cost structure but I presume they would be in the same range because people could go to the other funeral directors if they were expensive.

CHAIR: But it is not a not-for-profit community—

Mr RAZA: Yes, they are all connected to the mosques. The Auburn one is connected to the Auburn mosque and Allawi is connected to the Islamic youth association.

Mr ROUDE: People contributed. They donated money to build these funeral parlours where the body is washed and so on. In return they expect their association to provide reasonable charges. Despite that they still complain that the cost is very high. They expect it to be reduced. But it is going to go up soon.

CHAIR: Because you are going to be charging more for a space or because the funeral homes will be charging more?

Mr RAZA: We will increase the burial plot price by \$200 starting from 1 September. Previously it was \$1,200 and it will increase to \$1,400. As Mr Squires knows, we are always struggling even to make a minor increase. But this time we had to do it because funds are required for

future maintenance and all those things and we need to have money in the bank for the future care of the cemetery.

The Hon. KAYEE GRIFFIN: There are three mortuaries including the one at the mosque in Wangee Road, the one at the Turkish mosque in Auburn and the other funeral parlour is not attached to a mosque as such?

Mr RAZA: It is attached to a mosque. The mosque is in Marrickville, the Allawi youth Muslim association. They have a centre which is also used as a mosque.

The Hon. KAYEE GRIFFIN: Are they the only three in the metropolitan area?

Mr RAZA: They are the approved ones.

Mr ROUDE: If people use the facilities of non-Muslim funeral directors to our knowledge it does not exist but—

Mr RAZA: It has not happened for a long time.

Mr ROUDE: We started in that way. We had an arrangement with the Lakemba funeral parlour to wash the deceased there, get everything ready and then the body was transferred to Rookwood. There was a close relationship between the local funeral directors. All the facilities were made at that time until the Lakemba mosque established that facility.

The Hon. KAYEE GRIFFIN: What happens outside the metropolitan area for people who want a Muslim funeral? Are there people outside the area who can provide that?

Mr RAZA: The Newcastle Muslim Association has a mosque. It has an arrangement with the local council. Similarly, in Wollongong—you have a submission from them—there are two huge mosques. One is the Turkish mosque and one is the general one for everybody. They work together to bury in the council cemeteries.

The Hon. KAYEE GRIFFIN: In Newcastle, for instance, there is a separate Muslim section in the cemetery?

Mr RAZA: I am not aware whether it is separate but I know that there are arrangements. There would be a separate section for the Muslims. The section for Muslims will have a perimeter and something to define that it is the Muslim section. It is people's faith and you cannot question when they say things. There was a problem with one grave at Liverpool that was buried inside the Muslim section. My religion ordered me to come and pray for the dead Muslims. So when I pray I am praying for this person too, and I do not want to do that. I tried to explain to him. Eventually we found a way out of it.

The Hon. KAYEE GRIFFIN: Apart from Rookwood, within the metropolitan area how many cemeteries in Sydney would have Muslims sections?

Mr RAZA: Liverpool and Riverstone.

Mr ROUDE: The Islamic Council of New South Wales had an agreement with Blacktown council to allocate a section of Riverstone cemetery to the Muslims—about one acre I think. We have buried about 20 already there. Wollongong and Newcastle made arrangements locally because of the distance.

CHAIR: The Omar Mosque community in Wollongong in their submission told us how they dealt with council and got an arrangement there that seems to have kept everyone happy.

Mr ROUDE: Yes, I read the submission. I think it was a good arrangement.

CHAIR: Is it a good model? You dealt with Blacktown council in relation to the Riverstone cemetery. Is the Wollongong model a good one to follow?

Mr ROUDE: The local council is important to communicate and engage with the local Muslim community. If there is a need to engage with local councils about local issues—for example, the council had an agreement with Blacktown, Wollongong and Newcastle. It is a good model. You were the mayor. You know how heavily populated that area is.

CHAIR: Kayee has told us quite a bit about the issues she knows from her previous life.

Mr ROUDE: She did a good job. She was very helpful to the community and she knows the community well. The need is great in that area. The pressure is on Rookwood. We are thinking in the future that the community will grow so we had to make that deal with Blacktown. You can see now that the number is growing. It started recently with one and we encourage people who are living in that area to forget about Rookwood. They accept that it is much more convenient because it is closer to them. The population is growing consistently in that area.

CHAIR: How long do you estimate that the acre at Riverstone will serve?

Mr ROUDE: How many can we fit in an acre? About 1,500?

Mr RAZA: No, a maximum of 800.

CHAIR: And so far only 20 have been buried there?

Mr ROUDE: Yes.

CHAIR: Will the soil their allow a second person to be buried in the grave?

Mr ROUDE: I think the soil is better than Rookwood. Because there is a space we have not explored that area to see whether we can use the same grave but now we want them to use whatever is left there. Rookwood cemetery is really encouraging people to move away from Rookwood so that the pressure can be alleviated at Rookwood.

Mr RAZA: We have only about 400 in Rookwood, about 150 in Liverpool and 800 in Riverstone.

CHAIR: Often these things go with the period of peak migration—

Mr ROUDE: This is an emotional issue and we have to deal with it very carefully. You know how relatives of the deceased feel if there is any problem with the burial—late burial—or if you tell them that there is no space and they have to go somewhere else. The Government should look at this space issue seriously. We are negotiating with the Minister at the moment to see whether there is a possibility of allocating extra land close to the railway.

CHAIR: On the bottom left off the map.

Mr ROUDE: Yes. It is still under consideration. Even if that is allocated we have to look at the future. It will not solve the problem permanently but the Government has an obligation, I feel, to find space so that there is not a problem in the future. We do not want to see someone carrying the dead driving into the city to the door of the Minister for Lands and saying, "We cannot find a space." Good forbid it might happen but it is important to give that issue priority.

CHAIR: Would it be true that in terms of the religion practices of Muslim communities the other options do not exist: cremation is out, vertical burial is out and, given the age of the cemetery at Rookwood dating only 25 years or so, the other issues such as renewable tenure and reuse are not yet relevant? So the only real option for the people you represent is more land?

Mr ROUDE: Indeed.

The Hon. KAYEE GRIFFIN: In rural areas that are not easy to access such as Newcastle and Wollongong what happens with the Muslims burials?

Mr RAZA: I think the bodies come back to Wollongong, Newcastle and Sydney. I had a request from somebody in Tamworth wanting to bring a body back to Sydney. That is what would happen. I am sure that is what happens.

CHAIR: Does that create big problems because people believe in burying someone as quickly as possible?

Mr RAZA: Yes, but they also believe in burying them amongst their coreligionists.

CHAIR: So the two things have to be balanced?

Mr RAZA: Yes.

Mr ROUDE: It is always the case that to honour the deceased the Muslim community has to bury him or her immediately. At the moment it is going reasonably well unless there is a problem with autopsy or an associated health problem.

CHAIR: We are much clearer now than we were before. Thank you very much for coming in. If we seek further information I hope we may contact you again.

Mr ROUDE: A pleasure. Any time.

(The witnesses withdrew)

DAVID DESMOND KNOLL, Barrister and President, New South Wales Jewish Board of Deputies, Level 2, 146 Darlinghurst Road, Darlinghurst, and

GERALD JAKOB (GEEJAY) SCHNEEWEISS, Public Affairs Officer, New South Wales Jewish Board of Deputies, Level 2, 146 Darlinghurst Road, Darlinghurst, sworn and examined:

CHAIR: Did either of you wish to make an opening statement before we go to questions?

Mr KNOLL: I would be happy to and I took the liberty of bringing along some material, which I shall table at the end of this session. The Board of Deputies, which is the representative body for New South Wales Jewry, and I want to thank you very much for this opportunity of providing some support for your inquiry. The operation of funerals and burials for New South Wales Jewry is conducted on a non-profit basis through a single burial society. The society is called the Sydney Chevrah Kaddisha—which roughly translates as the holy society—the Jewry Cemetery Trust and other cemetery trusts, each of which carefully comply with religious requirements and they work with rabbis in respect of each individual funeral and burial.

The market for Jewish funerals and burials is simply not large enough to attract potential new entrants in competition. The consequence of that is that there simply is not any competitive pressure to be had but, in any event, similar to our friends in the Islamic communities, it is done on a strictly non-profit basis. The cost structures are very slightly different because for those who can afford it, there is always a small increment charged and then set aside for those who are too poor to afford it and each year four or five burials are conducted without charge for families that cannot afford the burial.

Burials for the Jewish community principally take place at Rookwood and Macquarie Park, although the Jewish community having arrived on the First Fleet, there are Jews buried throughout New South Wales. The single biggest issue that we face akin to other communities is the relatively urgent requirement for new-zoned land for cemetery space. We certainly commend to this Committee an increase in the resourcing available to the Department of Lands, which is working assiduously in trying to find and secure appropriate land within the metropolitan area. We know that effort is ongoing and we want to express our support for the efforts that are being undertaken.

In relation to the proposals for vertical interment—which for us translates as burial in depth—and renewable tenure, renewable tenure, in particular, is completely unacceptable to the Jewish tradition. If these proposals were being pursued, we would invite the inquiry or Parliament to undertake further consultation with us so we can address the specificity of a proposal of that nature.

The document, which we have taken the liberty of appending to the written submission, is a brief extract from the web site of the Australian Museum, where they have an on-line exhibit called "death—the last taboo", which has a brief section on Jewish mourning, which you may find informative, and an on-line extract from what is known as one of the most highly respected texts on Jewish death and burial by Rabbi Maurice Lamm, entitled "The Jewish Way of Death and Mourning". There is a short on-line extract, which we have taken the liberty of printing out, so that you would have further background on some of the religious rites and practices.

CHAIR: They are the document that you referred to earlier?

Mr KNOLL: They are.

Documents tabled.

CHAIR: You mentioned your opposition to some of the options that have been put forward in relation to the shortage of sites. Could you tell the Committee about other standards and practices that the Jewish community follows that make it necessary for you to have the single body not-for-profit equivalent of a funeral director? What is different, what are your needs and how do they differ from those of other communities?

Mr KNOLL: The community is, of course, fairly small. There are approximately 40,000 members of the Jewish community in New South Wales. There is possibly a little less or a little more than that; we are not strictly certain. Part of the reason is that we have in our community a very large body of survivors of the Holocaust, not all of who put their religion on the census form for historical and sensitivity reasons.

What is important to understand is that the religious practice in relation to burial—and it is similar to the Islamic faith—is that the idea of cremation is simply not acceptable. The simplicity of a Jewish funeral is of enormous import. There are specific rituals for the washing of a body; for the attendance upon a dead body. There are a host of issues in relation to the practice of cleansing, anointing and so on. As you will see in the extract from Rabbi Lamm's book, every Jewish person is buried in an identical manner—a white shroud, the simplest of box. It is the most democratic of traditions in that rich and poor are buried alike—an equal size of plot, an equal size of burial space.

The only place where there is any degree of competitiveness is in the monuments or tombstones which is, of course, an open, competitive area. Sometimes that turns out to be the largest cost element for a burial depending, of course, on what the family chooses. There is no specific restriction on tombstones, although tradition has it that, again, one must keep it as plain and simple as possible. In order to ensure that equality of treatment, Jewish communities around the world operate through a single Chevrah Kaddisha, and that way there is one standard, one simple honourable process for every member of the Jewish faith.

CHAIR: How many Jewish burials would you handle a year?

Mr KNOLL: At the moment, approximately 250 at Rookwood and about half as much again, mostly at Macquarie Park. We tried to inquire whether there were any still at Botany; we did not find that there were, but there is a section at Botany.

CHAIR: Is it important, in terms of religious beliefs or cultural practices, that people be buried in a specifically Jewish portion of a cemetery?

Mr KNOLL: Yes.

CHAIR: Therefore, it is relatively easy for you to work out how many and where they are buried?

Mr KNOLL: Yes, and we have some demographic information, particularly in that our community has a very significant hump, if one looks at the bell curve, right now in the 60- and 70-year-old categories. So while we are quite unsure, we see that the limits on space, if there were no additional space allocated, to be critical from approximately 2018.

CHAIR: Which is getting very close?

Mr KNOLL: It is.

CHAIR: What happens if a member of the Jewish faith dies a considerable distance from Sydney? Are they likely to be buried nearby or is their body likely to be brought to Sydney? I mean if they die in New South Wales. Obviously they could go to Brisbane, Melbourne or where ever.

Mr KNOLL: That is understood. The two largest communities are Sydney and Melbourne. There are 300 or 400 families in Canberra. There are isolated families elsewhere. We have smaller Jewish communities that the Board of Deputies looks after, which are affiliates in the Northern Rivers area, the Blue Mountains and in the Southern Highlands and isolated families elsewhere, most of which we are familiar with because their children undertake correspondence courses in the Jewish religion through our two boards of Jewish education. There have not, as far as we could inquire in the last few years, been any burials among those isolated communities.

In the past there have been small cemeteries and Jewish burials elsewhere—I can give you identification of those—as far flung as Armidale, the Central Coast, the Southern Highlands, the Blue Mountains, Sandgate at Newcastle. There are two heritage value cemeteries at Goulburn and Maitland

with fairly significant identities from New South Wales history buried there. Should an elderly or any Jewish person pass away there, in most instances contact would be made with the Chevrah Kaddisha in Sydney. Chevrah would make arrangements promptly to transport the body and to provide all necessary ritual services because, in our faith, burials should be undertaken as promptly as possible.

CHAIR: Since you mentioned heritage cemeteries, do places like Goulburn and Maitland involve issues of funding upkeep of the cemeteries? Is that an issue for the Jewish Board of Deputies, for the local council or whoever runs the trusts that run the cemeteries?

Mr KNOLL: It is an issue of concern for us because we have nowhere in our community funds for their maintenance and upkeep. Traditionally, there is a Jewish cemetery trust formed wherever there are Jewish burials and there is a remaining trustee of the Goulburn Jewish Cemetery, with whom we have been in contact and we have been trying to find a low-cost method of maintaining and ensuring the dozen-odd graves at Goulburn. Our efforts have not yet been successful and if there were a generalised manna, either through local councils or otherwise, at least providing some minimal upkeep, certainly our community would be very grateful.

CHAIR: So, in a sense there is a disadvantage for the traditional trust because each trust is quite small and if a cemetery is closed, there is no central body to look after maintenance and their heritage values?

Mr KNOLL: There is a disadvantage where there are no living trustees or funds available. There is an important advantage in circumstances where a cemetery is operating on a continuous basis because it gives a nexus between the community and the cemetery trust, which, for generations, has been remarkably co-operative for the Jewish community in New South Wales.

CHAIR: How long has your trust at Rookwood been in existence?

Mr KNOLL: I cannot give you the precise time except to say that our most emeritus Rabbi said it was shortly after Rookwood was developed, but we were not able to find out that date. In fact, Geejay did some quite assiduous research to find that out but we could not pinpoint a date, I am sorry. I cannot assist there.

CHAIR: It is very old?

Mr KNOLL: It is.

CHAIR: We notice from the map that there is the old Jewish part and then there is a separate, much larger part?

Mr KNOLL: I know this much: It was one of the first sections opened and the oldest part of the cemetery is, in fact, right next to the Martyr's Memorial, which is also of enormous importance to our community, because that is the place where every year on Holocaust Remembrance Day we gather for those members of our faith whose gravesite we cannot know.

CHAIR: How does the trust raise funds for the maintenance of those old graves and memorials?

Mr KNOLL: I am not, unfortunately, in a position to give you an exact accounting, which, I am not sure of itself is the critical issue. What is important is that they operate on the basis of charging each family for the burial the cost that it takes, including maintenance and upkeep. There are, for example, six gravediggers employed, all of whom are union members and they, in fact, assist with the maintenance of the whole area, given that there is, in effect, one burial per working day. That cost is being borne so that the maintenance of the area is kept up and it also enables that small degree of funds to be created to subsidise those members of our community who simply cannot afford a burial. In effect, their books are balanced and they keep a reserve so that emergencies and incidentals can be met and relatively conservatively managed and so that as we acquire the opportunity to take plots for the future, they will be in a position to do that.

CHAIR: Do other members wish to ask questions?

The Hon. ROBYN PARKER: I think we have covered them all.

CHAIR: Pretty much because the non-profit focus deals with a lot of the cost issues. You said you provide free funerals for those who cannot afford it. You have answered about the space that is left, so you have dealt with most of our questions. Does any member have a further question?

The Hon. KAYEE GRIFFIN: My question deals more with what happens with future sites that can be used for burials. I assume your opinion is the same as others who have given evidence, that the Government needs to quickly give some thought to the location of an appropriate site for another cemetery.

Mr KNOLL: As we indicated in our opening, ultimately there is a need for the resourcing of the efforts that the Department of Lands is making in relation to additional space. From a planning perspective, there may be some value in creating a category for future cemetery space. Obviously that crosses a boundary into the Department of Planning, and we are very conscious not to overdevelop that boundary. But the benefits of bringing together the resources in Lands and Planning to achieve the future space allocation would, I anticipate, benefit our communities, and certainly the Islamic communities and others.

CHAIR: In the past we have asked some of our witnesses for comments based on the fact that there are five government agencies with a hand in the funeral industry, but I must admit we had not thought of Planning.

Mr KNOLL: As you are no doubt aware, in five or even six agencies you will have a minimum of five or six opinions at the table. Someone has to champion the acquisition of additional space, and if there is a champion for it in the executive branch that champion needs to be resourced so that all these communities can be provided for.

CHAIR: You did not tell us exactly what the costs are, in terms of both the single body and also, say, Rookwood or Macquarie Park. You are keeping costs down very much, but what does a burial space cost?

Mr KNOLL: On average, the all-inclusive cost runs to approximately \$5,000. As we indicated earlier, that also includes those accretions to the fund to ensure that the entire cemetery is maintained and so that there are funds available to assist those who cannot afford it.

CHAIR: It includes the funeral director and the cemetery space cost?

Mr KNOLL: Yes, it includes both.

CHAIR: You said that monuments are the only area of competition. Who would usually make the monument—the ordinary monumental masons gathered around Rookwood, for example, or is there a specific Jewish contribution there as well?

Mr KNOLL: As I understand it, there are six monumental masons who service Jewish burials. Prices do not vary a lot among the six. That may reflect a very competitive market where prices have come together. It is also a critical proposition, when you are dealing with a monument area, that it is the area where there is a tradition of plain and simple in the Jewish faith. But there are no strict prohibitions as to certain practices, although, for example, embalming is prohibited. The consideration which I expressed earlier about having a single burial society so that in the most democratic form possible everyone receives the same plain, simple and honourable burial does not extend to the monument you put as your headstone. That is the reason why that is the one area where some competitive pressures can exist for a Jewish burial.

CHAIR: When you say six masons deal with the community, is that a contractual arrangement or do there just happen to be six people who do it?

Mr KNOLL: There just happen to be six who appear to be servicing the area. One of them happens to be Jewish. The only reason I know that is that when it came time to bury my father that person was contracted, but not because he was Jewish.

CHAIR: That is essentially a private arrangement between the family and the monumental mason?

Mr KNOLL: Yes.

Mr SCHNEEWEISS: Just to clarify the matter, it has nothing to do with the Jewish cemeteries trust at Rookwood or the Jewish tradition.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there any disparity between the health regulations and the Jewish practice? Are the health regulations difficult or onerous?

Mr KNOLL: I do not know the answer to your question, which I am happy to take on notice. But I could not imagine there would be, because cleanliness and purification of the body are among the most important mandates of the process. Almost any visitor to the premises cannot fail to be impressed with the scrupulous cleanliness of the building and the entire premises.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But it is done by a dedicated team?

Mr KNOLL: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So that the health requirements are only needed to be known to that team that services the community?

Mr KNOLL: That is correct. There are volunteers who receive special training in those rites. As it happens, for a male body there are male volunteers and for a female body there are female volunteers, and each of them is scrupulously trained in both the ritual and health requirements.

(The witnesses withdrew)

AIDEN NYE, Secretary, Funeral and Allied Industries Union, 377 Sussex Street, Sydney, sworn and examined:

CHAIR: We understand that Mary Yaager is unable to attend.

Mr NYE: Mary asked me to apologise; she has been held up in the Industrial Commission on a dispute matter. However, I have been given the right to speak on behalf of the New South Wales unions.

CHAIR: You have appeared before the Committee on a prior occasion. On that occasion you appeared with Unions NSW?

Mr NYE: And with the Funeral Industry Council.

CHAIR: We are aware that you wanted to appear again to speak on behalf of the unions. We also intended to explore some of the occupational health and safety issues with Mary Yaager, but I gather you will be able to speak about some of those matters?

Mr NYE: The list of questions that was provided to Unions NSW is fairly embracing, and I think if we were to deal with them it would probably answer a lot of the questions you raise.

CHAIR: Would you prefer to go straight to those questions?

Mr NYE: By all means.

CHAIR: Can you tell us about the award that covers workers in the industry?

Mr NYE: Primarily there are two basic awards, one being the Cemetery and Crematorium Employees State Award, which covers people who work in and around cemeteries, whether they be grave diggers, people who operate furnaces, or people who maintain parks and gardens. The second major award is the Funeral Industry State Award. That award also covers people who manufacture coffins and people who work in and around funeral homes, including rangers, pallbearers, embalmers, and so on. I might say that those awards are not very well paid awards, and principally we have a lot of enterprise arrangements in existence in this industry.

CHAIR: Is it some considerable time since those awards were reviewed?

Mr NYE: No. Unfortunately, the nature of the awards is such that we just got caught by the wage fixing principles. We had moved towards enterprise arrangements way back in the early 1990s, and we have continued to promote that existence within the industry.

CHAIR: You said that coffin manufacturers are included. It does not come under the carpenters who make furniture, for example; it is a specific part of the funeral industry?

Mr NYE: History tells us that many years ago funeral directors used to make their own coffins, and that is how they were embraced within the funeral industry award.

CHAIR: But these days coffins are acquired from a range of manufacturers?

Mr NYE: That is right. We have in existence for proper about four manufacturers in Sydney, but they are not what you call big manufacturers at all. There would probably be fewer than 60 or 70 employed in New South Wales who actually manufacture coffins.

CHAIR: The four you mentioned specialise in manufacturing coffins?

Mr NYE: That is right. They would be isolated from the funeral directors' homes.

CHAIR: Can you tell us about some of the issues that the unions have been concerned about in relation to workers in the funeral industry, and how are you addressing them?

Mr NYE: In general, most of the complaints lodged in the funeral industry are lodged by our members, a substantial number of them about the behaviour of operators within the industry. We tend to identify those matters and take them up with the various government agencies, whether that be local government or the Department of Health. Some of those matters might range from people using unauthorised premises for the purposes of body preparation; it could be matters relating to the holding of deceased for longer than prescribed by the provisions of the Public Health Act. That is the nature of the complaints we generally deal with.

CHAIR: Can you give us an indication of how many complaints you might receive in a year?

Mr NYE: Some government agencies act a lot better. One of the main problems we have these days is that there is an inane belief that people have to be caught in the act of doing something wrong before the matter will be progressed by any of the government departments, whether it be Health, local government, or whatever. We have had an occasion where it would be fair to say that some of the complaints we have received have been so bad that the people who have notified the complaints to our office have insisted that we progress, and that has really been a nightmare to get those things over the line to get somebody to act upon them.

CHAIR: When you say people insist on catching people in the act, that would apply to Health? You would not be dealing with the Office of Fair Trading as much, I guess?

Mr NYE: We do from time to time. We get lots of inquiries from people about funeral costs. Generally we direct them back to the funeral director, and if they are not satisfied we direct them to the Office of Fair Trading. Sometimes people inadvertently ring up and ask questions. For example, last year a person phoned up and wanted to know the number of a particular funeral director. When I advised that that funeral director no longer existed, they were then able to tell me how they had paid that person \$6,000 for a pre-paid funeral. So we pick up a reasonable amount of that sort of stuff.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think that pre-paid funeral schemes should be done under a trust instrument, so that if a director went broke the obligation would be carried on?

Mr NYE: I do not think that would hurt. Certainly we need something a little more structured than we have in place at the moment. We are finding that there is a great deal of embarrassment about pre-paying for a funeral, then finding out that that money has gone and how to recovery it. Particularly with the elderly, they are quite loath to push or promote the matter to the extent that they are going to be identified for getting themselves into a crook deal; they just do not like doing it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But there is currently legislation that looks after the trusts of funerals, is that your understanding?

Mr NYE: That is my understanding.

CHAIR: You mentioned that complaints from workers are sometimes a matter for local government.

Mr NYE: Yes.

CHAIR: Is local government not able to inspect a premises? Returning to the point you made about wanting to catch people in the act, a complaint about a mortuary or whatever would go to local government. Are they not able to send in an inspector to look at the place?

Mr NYE: Generally by the time they do so it is too late. For example, we notified Penrith council that at least 40 people were gathered at an industrial site that was not approved for operation as a mortuary. A viewing of a deceased person was taking place. They went up there three days later. The body had been buried in Rookwood two days after we reported the matter so it was a bit late to go

up there and then come back and tell us that there was nothing wrong. That is pretty much the norm for what goes on.

CHAIR: Was that place operating full time as a funeral directors?

Mr NYE: Yes.

CHAIR: In terms of the adequacy of the premises—refrigeration or whatever issues there were—if it was unsatisfactory would it still not have been unsatisfactory three days later?

Mr NYE: No. They go out there and there is always the pretence that something is going to happen in terms of the premises but something never does.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You mean they go to the premises that are all set up for the situation but because there was nobody there at that moment the inspector can say, "My eyes are dim I cannot see"?

Mr NYE: That is right. It is not unusual. We were invited to give evidence in the Land and Environment Court only last week. Blacktown council considered giving approval for a funeral home to open up only Monday to Friday from 7.30 a.m. to 4.30 p.m. and only have 10 people at a viewing. That is just not humanly possible to enforce and you might as well know that before you even grant it. It cannot happen, so why do we do it?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Presumably it was so they could get around some regulations, make it look like it was not invasive to a community or whatever—what you were saying.

Mr NYE: That is right, particularly in this case. It was in the Blacktown region, where you have a huge population of Filipinos, who have as many as 200 and 300 people come to a viewing. The Asian community might stay at the premises for 24 hours. On the one hand, we are trying to open up the industry for additional public holiday usage and on Saturday afternoons, but on the other hand local government is considering approving premises that are quite clearly unworkable.

CHAIR: If this matter is still before the court you will need to be a little careful about commenting on the specifics of the case. General comments are fine.

Mr NYE: I understand the matter has been finalised.

CHAIR: I assume it was a development application. Was it approved?

Mr NYE: No.

CHAIR: So the council approved it and the Land and Environment Court knocked it back.

Mr NYE: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Why is the union concerned about there being more or less premises for viewing? Why could not 1,000 flowers bloom?

Mr NYE: I think probably for whatever reason, be it right or wrong, we have always played an active part—and we might wish we did not play this part—to ensure that there is some regulation or some consideration given to what goes on in this industry. Apart from the structure of Unions NSW in terms of pulling this industry together, the behaviour out there, in my view—and I have been around for a long time—is starting to show signs that we are going back to pre-1987 days, and that is not going to help anyone.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What is the significance of the change in 1987?

Mr NYE: Nineteen eighty-seven saw the introduction of provisions of the Public Health Act and the funeral industry regulations. I think there was fair consideration given over a period of time that people complied and behaved as they should. I suppose that is all I concern myself with—and that is just about being respectful, nothing else. But now there seems to be an upsurge of people wanting to crash in, not only with funerals but we get lots of inquiries about people wanting to make coffins and so on. I think people think that when times are tough the funeral industry will always be a provider of some source of income, which is properly not necessarily so. We know what goes on in this industry and there are a few people out there doing it tough.

CHAIR: Returning to Dr Chesterfield-Evans's question, what would be wrong with having a viewing area for 100 people?

Mr NYE: There is nothing wrong with a viewing area for 100 people but in this case it was to be restricted to 10.

CHAIR: Restricted by who?

Mr NYE: The council.

CHAIR: Did the union support that? You said you did not believe that if those restrictions were put in place they would ever be implemented.

Mr NYE: It would probably fall on our members, who would supervise a viewing. What do you do if 11 people turn up? Do you stand in their way or get out of their way?

CHAIR: So your attitude was dictated by an expectation that your members would have the onus put on them in terms of both the operating hours and the maximum number of people?

Mr NYE: Absolutely.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But you have no objection to there being plenty of viewing place, do you?

Mr NYE: No, not at all.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Why could not someone hire a hall and say, "I'm viewing grandad today and I expect a lot of people to come"? Is that a problem if the public health is looked after?

Mr NYE: No, providing the provisions of the Public Health Act were met, I would not have a problem with it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You said that you did not want to go back to the bad old days of pre-1987. Are you saying that public health practices were worse before then or were the aesthetics worse?

Mr NYE: I think perhaps the Public Health Act aspects were worse prior to 1987 than they are now.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Were people not meeting hygiene standards? Is that what you mean?

Mr NYE: They were not meeting anything.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think hygiene standards are a big problem in the industry?

Mr NYE: I do.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If there are infectious diseases, particularly, or is it just the aesthetics of handling dead bodies?

Mr NYE: I think it is just the aesthetics of handling dead bodies. I think this industry is in dire need of a code of conduct.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Have you seen bad practices with regard to disrespecting the dead?

Mr NYE: I have.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think it is disrespectful if a family transports their relatives in their own fashion?

Mr NYE: No.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think bodies are simply abused by relatives who do not like them and that is the aesthetics you are objecting to?

Mr NYE: No, I do not. I think the viewing of a deceased person is a matter of personal choice.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Then what exactly are the problems that you are alluding to?

Mr NYE: In what terms?

CHAIR: The hygiene problems.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Are you talking hygiene or aesthetics? It seems to me that there are two areas: it is either hygiene, by which you presumably think other people are going to get infected, or it is aesthetics where it is smelly or fluid has run out. Which bit have you seen bad practices in and what are the problems associated with them?

Mr NYE: Probably both. In terms of body viewings, in particular, body preparation generally goes hand in hand with it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If the bodies are kept in a refrigerator that is presumably not a problem.

Mr NYE: That is not so. They are often wet or moist when they come out of refrigeration. A lot of preparation is needed after a body has been in refrigeration.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If they are being viewed for some hours or, at a maximum, a day, unless they are pretty old the body is not decaying seriously, is it?

Mr NYE: No, it is not, but it is a matter of where you put contaminated waste and so on. There are those issues to be taken into consideration.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: There is some problem with contaminated waste. Is the problem that contaminated waste does not go in the garbage bin?

Mr NYE: My understanding is that public health regulations provide that body preparation must take place in a mortuary.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But if a person dies, they are put in a body bag by the relatives and then there is a viewing—they are not in a mortuary but they are presumably not a hazard within that framework of someone opening the top of a body bag and looking at the face, which is usually what they want to do. Is that a problem?

Mr NYE: That, in itself, would not be a problem. But generally more than that takes place with a body viewing. Secondly—and I repeat—I understand that funeral industry regulations provide that the only body preparation that can take place must occur in a mortuary.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The key point is the outcome that we are looking for, not whether a regulation is being complied with. Theoretically at least Parliament makes the regulations and they make them for the underlying reasons of either health or aesthetics in the sense that people do not want the dead to be treated disrespectfully. Within that framework, can you tell me what problems you have seen with the current situation or what problems you fear may occur?

Mr NYE: The disposal of contaminated waste, and generally viewing is far more than the showing of a face in a body bag. A lot of preparation is generally required to take place before a body will be put up for viewing, even by families.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you mean they dress them up in their suit and put them in a lounge chair or something?

Mr NYE: Not quite a lounge chair but almost. There would be the closing of the body and cosmetics. Sometimes invasive procedures would be required to be carried out to keep a mouth together, for instance, closing of the eyes, eye caps and that sort of stuff.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Closing of the eyes and perhaps putting some linen in the orifices or whatever so no fluid comes out.

Mr NYE: I do not think they do that any more.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They do not?

Mr NYE: Not to the best of my belief.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Okay. I am probably old-fashioned. Are these things a problem for lay people to do?

Mr NYE: I do not know about lay people. We certainly respect the rights of all people to do what they want to do with their own relatives and friends when they are in possession of the body. We never interfere with that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If you do not let them do it you are interfering.

Mr NYE: When you say that we do not let them do it, I am not aware of that.

CHAIR: The issues that you raised relate to funeral directors, where your members work.

Mr NYE: That is right.

CHAIR: You are not raising any issues to do with the more do-it-yourself end, for instance.

Mr NYE: It is right. What happens with many groups these days is the body is just taken to a private home, where it might stay for four or five hours, and then be collected. We would generally not know what goes on for that four or five hours.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that a problem?

Mr NYE: No, not at all.

The Hon. IAN WEST: Does Unions NSW have a view on licensing within the funeral industry?

Mr NYE: They do. Their view is that there should be developed a code of practice and that the industry is terribly fragmented. I think that has been clearly demonstrated particularly over the last three to four years, when nobody has wanted to assume responsibility. It seems to be an embarrassment for people. But their preferred option is options D of the issues paper, which they have promoted virtually all the way along. It is also interesting to note that Unions NSW were responsible for pulling the industry together in 1992-93 by involving all the major employer organisations, together with consumer groups and government agencies, in sitting around and trying to find solutions to these problems so that they can be dealt with as they arise without involving members of the public who might be experiencing grief.

The Hon. IAN WEST: Does one organisation represent funeral directors?

Mr NYE: No, there are two. One is the New South Wales Funeral Directors Association or the Funeral Directors Association of New South Wales. The other organisation is the Australian Funeral Directors Association, which has a New South Wales branch.

The Hon. IAN WEST: So one is Federal and one is State.

Mr NYE: Yes, but the Federal one operates in the State also.

The Hon. IAN WEST: So in New South Wales there is a Federal organisation and a State organisation.

Mr NYE: That is correct.

The Hon. IAN WEST: They represent employers in the industry. The Funeral Directors Association of New South Wales suggests in its submission that some unscrupulous funeral operators do not have workers compensation insurance and do not conform to the occupational health and safety legislation. Are you aware of these reports? If you are aware of them, what action has Unions NSW taken to help address that situation?

Mr NYE: I am not aware of the comments, particularly about workers compensation. The nature of this industry is that we experience a lot of claims by way of backs, knees and hernias because of the manual handling. But overall, particularly in the last two years, some of the bigger companies have moved strenuously to implement the provisions of the occupational health and safety system to put into place something that, as far as possible, will ensure the wellbeing of those engaged in the industry. It is not easy when you have no control over place of death or the terrain that people will use. Occupational health and safety in this industry is not easy to deal with.

The Hon. IAN WEST: There are reports?

Mr NYE: There would be some reports.

CHAIR: When you talked about complaints would you know or would you hear if such places did not have workers compensation insurance?

Mr NYE: We would be prone to be told that virtually straightaway because that is something that we would have to act upon. We just could not let that sort of thing go.

CHAIR: But you are saying you are not aware of it?

Mr NYE: I am not aware of the matter of the Funeral Directors Association of New South Wales. They certainly have not advised me. We are not aware of any of the places that would engage our members that would have that position.

CHAIR: Therefore it would be true to say that if there are any there would be very few because if they existed you would be aware of them?

Mr NYE: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Someone representing the funeral directors' interests, I am not quite sure which of the groups, said that the funeral award had increases above the CPI. Is that the case? What has been the change in the funeral industry awards?

Mr NYE: I could not agree with that. If you want a comparison, the award rate goes from \$595 to \$628. I would not exactly call that the top of the pile no matter how you have increased it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Has it gone up over the last decade? We are looking at the change in cost to funerals over the past decade. As a unionist I presume you would be proud of the fact that you have achieved rises for you members above the CPI.

Mr NYE: It all depends from what base rate we are coming. I would rather have 2 per cent of \$1 million than 10 per cent of \$100.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: We have looked at the rise in the price of funerals, and funeral directors have said that awards for the funeral industry had been well in excess of CPI for the last decade. Is that the case?

Mr NYE: No. I would disagree with that. Last year we made application for special cases provision because of the wage fixing principles. An industry and disability allowance was included in the hourly rate, but the actual hourly increase or offset last year was only \$12 above the so-called CPI. That would be the last increase outside the wage fixing principles or the State wage case decision since about 1990.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That is 15 years. You would say that the funeral industry has not kept pace with the CPI? That is total cost. Whether it is disability allowance or that it is an award, from the point of view of flowing through to the cost of funerals it will have the same effect. You are saying that is not excessive compared to the CPI since 1990?

Mr NYE: No, not at all. We knocked out things like picnic days and opened up public holidays. The total cost of that was about \$31 versus \$19 under the State wage case decision.

CHAIR: To which classification do those figures relate?

Mr NYE: I have a spare copy.

CHAIR: What classification or position in the industry was quoted?

Mr NYE: That classification would be the general handyman or handyperson. The shop person is \$594. A qualified embalmer is \$618.95 under that same award. The person who resides on the premises is \$628 under the State award.

CHAIR: On top of that are there allowances?

Mr NYE: No, that is inclusive of allowances. I have a pretty comprehensive list of wages, which I will hand up. The other one is the Cemetery and Crematorium Employee State Award, and similar provisions apply. The same application was made out.

CHAIR: How much does a gravedigger get?

Mr NYE: Not enough. A gravedigger is on \$598.09.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Per week?

Mr NYE: Per week.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But presumably they get more for weekends—penalty rates or whatever?

Mr NYE: If they want to put that up to anywhere near an average wage they get penalty rates.

CHAIR: But there is not that much grave digging on penalty rates.

Mr NYE: There are more graves dug by hand than you would care to realise

CHAIR: On weekends?

Mr NYE: No.

CHAIR: Most funerals are held on a weekday during ordinary working hours.

The Hon. IAN WEST: Average weekly earnings are now \$915.

Mr NYE: Yes. Not under the award they are not and even under the agreements they are not. Some companies recognise the need to move away from that award because of the wage fixing principles that preclude them from being granted any more. The responsible ones act accordingly. They enter negotiations and introduce enterprise agreement into their establishments.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have any problems when family members are used as pallbearers? Does your union take a position on that?

Mr NYE: We were one of the parties that raised this. We were concerned about a number of things. First of all about the provisions of the Occupational Health and Safety Act and, second, about the fact that sometimes people say that they are going to do it but then they will not. That has always posed a problem. From time to time there is a rift between families and they fight about who is going to carry and who is not going to carry. But if we look at the first one, together with the Funeral Industry Council we saw some advice on this matter and, clearly, the advice we received was that family members should not be and I use the word "invited" to carry. Family members are never stopped from carrying. We would never do that. In fact, we would go out of our way to assist them. But at the same time and given its advice we instruct our members that they should be very cautious about inviting people to carry coffins at all unless they really have had the same basic training as they have had, unless a risk assessment has been carried out. That seems to be the content of that advice. I do not know whether you have a copy of that advice.

CHAIR: It was referred to when the Funeral Industry Council came here, but if you have a spare copy it would be useful to have it.

Mr NYE: Do you believe that WorkCover should have training videos for people who want to carry coffins?

Mr NYE: I would like to see the industry try to get a policy for each and every thing within itself first off, which would be very good for us, where we would not expose even our own members to any form of manual handling. But I am not sure how we overcome it

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Would you like all coffins to be carried by mechanical devices from the bed they die in to the ambulance?

Mr NYE: If that were possible it would be great. Eliminate any form of manual handling you can.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: To the grave?

Mr NYE: That is the idea.

CHAIR: How far down that path is the industry? It must be a fair way, surely?

Mr NYE: We are starting to move in the right direction. We have just done a number of enterprise agreements and we have a bit of crisscrossing of the awards that tend to help each other.

When mechanisation is available it will bypass the so-called manual handling provisions as they are currently written. But that does not overcome problems when we get into confined spaces like churches, church steps and old cemeteries. I do not know how we are ever going to overcome that. I do not see it happening.

CHAIR: They probably would be pretty much overcome in relation to cremations, given the nature of the facilities, their newness and so on?

Mr NYE: Yes.

CHAIR: We really are talking more about burials. You are probably talking more about church services rather than cemeteries.

Mr NYE: Yes, church work.

CHAIR: There would not be any difficulties at Rookwood?

Mr NYE: You would have to get a very skilled engineer, which is right out of my league, to address that. But, again, because of the uneven ground there can be difficulties. However, I am sure that there would be ways and means to overcome it in the long term. The ideal position would be to have no lift, but I just cannot see that occurring. The industry is trying to get there on that.

CHAIR: Can you explain to us on behalf of Unions New South Wales their role in relation to the Funeral Industry Council and when you see that role continuing?

Mr NYE: As I said before, this goes back to about 1992 through Beryl Ashe following the provision of licensing being removed. It was terribly fragmented. Everyone was going in lots of directions. All sorts of practices were going on that should not have been. I remember that Beryl Ashe in conjunction with Gavin Frost from the Department of Health were of the view to get a group of people together to knock on his door, to quote him, to air the problems of the industry. Through her foresight she got together all the major employer organisations, the Cemetery and Crematoria Association, the Australian Funeral Directors Association, the Funeral Directors Association of New South Wales, consumer groups and various government agencies, and she was able to mould that in a regular meeting.

That was used as a forum to deal with matters of public interest, regulation and anything whatsoever to do with the sensitivity of the funeral industry. It is not a very easy industry to deal with. I have said it time after time, even though you sometimes know that things are wrong it is hard to identify the body in there where you are going to cause further distress. Sometimes we get out of there rather than put the foot on the accelerator. You tend to put the foot on the break rather than cause further distress or you nominate a dead person, which causes further grief to the family. It is not nice.

CHAIR: You are saying that Beryl Ashe, who was then at the Labor Council, stepped into something of a vacuum that was created after legislative and regulatory change?

Mr NYE: That is right.

CHAIR: There was no real reason why the initiative should have come from the Labor Council as it then was.

Mr NYE: None whatsoever, except to say that to date the Labor Council has been seen as the independent without a vested interest in an attempt to keep the thing together. It has been quite successful to this point in time.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think the Funeral Industry Council should have a regulatory role?

Mr NYE: I believe that they should have a regulatory role in it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think they have adequate consumer representation on it and adequate representation of small funeral directors?

Mr NYE: In saying that there are very few funeral directors who are not covered by an association. Some funeral directors belong to our organisation. We advise them. We have quite a number of the smaller-type operators.

CHAIR: Who belong to the union?

Mr NYE: Yes. Very few funeral directors in New South Wales do not have some sort of coverage.

CHAIR: By either one of the two associations or by the union?

Mr NYE: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: There are not very many outside that framework?

Mr NYE: No. We invited probably 15 of them who do not belong to an association, and some of them do belong to an association, if they want to make any comment that we would come down here or we would invite them to come down here and make it on their behalf.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: And they did not take you up?

Mr NYE: And they did not take us up.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: On that basis you would argue that the submissions that have been made on behalf of the industry are perfectly adequate?

Mr NYE: I would say it is representative of what is going on within the industry.

CHAIR: In the future, do you see the Funeral Industry Council continuing, perhaps in a modified form? Do you see more regulation by government? Do you see a need for government to have one of the agencies take a role? How do you see the industry being structured and regulated in future?

Mr NYE: Primarily it is a matter of health. I do not know how that fits in with them, but there is no doubt about it. The majority of complaints that come in in that area are by way of medical practitioners not certifying people dead, wrong causes of death on certificates.

CHAIR: Most of the evidence before the Committee today has been in relation to land issues.

Mr NYE: That is a major problem too.

CHAIR: And the shortage of burial spaces. I suppose it depends on which part of the overall industry you come from who you see as the major agency.

Mr NYE: Yes, but if you look at the figures they are close to 60 or 70 per cent of people are now going to crematoriums. There is a huge shift. I understand the Catholics are going to build one, it is on the way. At least the Department of Health would, one way or another, have a direct involvement with everyone who dies; whereas this one may be 30:70. I know space is a problem. In saying that the Office of Fair Trading would have a heavy part to play in this too. In the world of reality for the people who miss out—and have done something in the belief that they paid for something that is capable of being used later—it is quite cruel to sit and listen. I have documentation of one case with me, of a person who prearranged two funerals. The person forwarded this to me because the fellow had become very receptive to our office, so to speak. When you look at these documents, which I am happy to leave with you, you will well and truly understand that the people who live in retirement villages have been duped.

CHAIR: You have a document that someone has signed about a prepaid funeral?

Mr NYE: Absolutely. After we got the money back for them, the solicitor acting for that fellow who took it said, " We will give you back this money provided you do not take any action against us." I will leave all the details about that with you, it includes the solicitor's letter, the cheque that was refunded and the prearranged funeral date. This is the top of the stack. What goes on is terrible. People put up with this because they are embarrassed, they will not do anything about it.

CHAIR: Do you want your documents returned?

Mr NYE: No, as far as I am concerned I am finished with them.

Documents tabled.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Earlier I asked you about the consumer representatives on the Funeral Industry Council. You spoke about the adequacy of the industry representatives but you did not make a comment about the adequacy of the consumer representation.

Mr NYE: I think it could be broader than what it is, there could be more people. I do not think anyone would oppose that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You think they should be representative of an organisation, presumably, not just John Citizen representing consumers without input into a body?

Mr NYE: They have to have a base.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: When you said there should be more regulation, the Committee agreed that there were medical and aesthetic reasons for that. Can you tell me exactly why we need more regulation from a medical or aesthetic point of view? What is going wrong from those two points of view?

Mr NYE: It is the nature of the industry, unless there is a code of practice on behaviour, an understanding of what people are dealing with. In my 33 years it has not improved one bit. They just do not know the meaning of what is right or wrong, what is good or bad.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are very unspecific about the problem. When you say that they do not understand, is it the medical things about putting the public at risk or being disrespectful? What exactly is the problem that you are trying to address? If we are going to have heavy-handed regulation, we have to have a reason.

Mr NYE: The regulations are probably reasonably adequate. They could be tightened up in certain areas. There are certain areas I do not understand, but they do. In my understanding offensive behaviour is covered by other legislation, not the Public Health Act.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are saying the regulation is quite adequate?

Mr NYE: As the regulation exists now, it needs a bit of tightening up. There are some aspects of it that I do not understand.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can you be more specific about what needs tightening up?

Mr NYE: I cannot understand why a funeral director has to bury a body within five days, after all, he has all the you-beaut premises. On the other hand, how can a family be allowed, unconditionally, to take a body home and do what it likes with that body for seven days, even in the middle of summer. I think there is a real problem there.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Has there been a problem with smelly bodies hanging around houses?

Mr NYE: Yes, there has.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that a common problem?

Mr NYE: It is not a common problem, but who wants to take a dead body home for seven days?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If nobody wants to do that, it is not a problem.

Mr NYE: If it is not worthy of being written, why not take it out?

CHAIR: Do you say it is unfair to the industry that they are limited to five days?

Mr NYE: I am saying that there needs to be a better balance in the provisions of the Public Health Act and its regulations, as now written. Some of it is quite harsh, some is quite good, some is quite silly.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You want changes to the regulations?

Mr NYE: We do, yes. We would like to see changes to those regulations.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there a problem with enforcement of those regulations?

Mr NYE: Absolutely. Who wants to enforce, as I have said from the outset. The deal is these days unless you catch us in the act, you are not going to do anything.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think there should be a charge on the industry in order to pay for an enforcement by the Department of Health, or someone else?

Mr NYE: If that becomes necessary to enforce the law, then so be it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think the lack of enforcement of the law has resulted in any ill-health incidents where some disease has occurred?

Mr NYE: Absolutely. Lack of enforcement just encourages people to not do the right thing at all.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That may well be, but have there been consequences? Can you say that on a certain day a certain person was infected by a dead body?

Mr NYE: We do not go in looking for consequences, because of the lack of enforcement. That is a problem, as I said to you before.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are saying that there are consequences that are not discovered. That must be on the basis, at least, of anecdotal evidence?

Mr NYE: Not that I am aware of.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You have no evidence that bad practices have led to many health consequences?

Mr NYE: Not that I am aware of.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The last question is about cardboard coffins. Does your industry have a problem with cardboard coffins? I note that there is one called the Eco-coffin.

Mr NYE: Is that the Tasmanian one?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: No, it is a British one, made of cardboard boxes.

Mr NYE: No, I am not aware of it. Provided it met the standards applicable for the industry we would not have any issues.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Which standards?

Mr NYE: One by TestSafe.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: There is no Australian standard for coffins?

Mr NYE: No. TestSafe is a testing agency that the funeral directors use. As I understand it, TestSafe is a former arm of WorkCover. It is highly regarded and respected. It is independent and we ask for it to do certain things.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Does TestSafe have regulatory sanction? Is it used by the Funeral Industry Council as its regulation body rather than having an official government-regulated function?

Mr NYE: That would be right.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Effectively the Funeral Industry Council determines which tests will approve coffins in the absence of government regulation?

Mr NYE: That would be in its absence but you would be pretty hard to persuade me that you could have one size of coffin that fits all. That is what was put on the market before. It was totally unsustainable to ask it to do what was expected of it, just totally unsustainable. I do not know about the British coffin.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: There is no neutral referee in the sense that at the moment the referee is the one selected by the Funeral Directors Association or the Funeral Industry Council?

Mr NYE: No. TestSafe is the nominated one, the preferred one of the Funeral Industry Council. But people are absolutely entitled to use whoever they so desire to have these tests conducted.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That they would have to convince the funeral director in question and presumably your union members that the coffin was adequate?

Mr NYE: And whether it could do the job.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They cannot go to an Australian standard and say that it complies and therefore your members should obey it?

Mr NYE: They would obey if the thing was capable of being used and met the requirements, including keeping it under refrigeration, being manually handled, having more than one size, not clutched underweight, being able to be charged into a furnace, a whole host of things.

(The witness withdrew)

PAUL MURRAY STEVENSON, Chairman, Baha'i Council for New South Wales and the Australian Capital Territory, 107 Derby Street, Silverwater, sworn and examined:

CHAIR: Do you want to make an opening statement?

Mr STEVENSON: Yes, a brief introduction. The Baha'i Council is grateful for the opportunity to make a submission to this inquiry and also to answer questions before the Committee on behalf of the Baha'i Council of New South Wales and the Australian Capital Territory. There are two drivers for our submission: The first is that for Baha'is human existence is basically spiritual and the funeral industry is an essential service to respectfully cater for the bodies that house our souls while we walk this Earth. Also, there are several factors of the funeral sector that are catered for by families, the commercial industry, local government and some that are only in the ambit of the State Government.

Many of the requirements for Baha'i burial are similar to that of our Jewish and Muslim colleagues, but we do not require burial in exclusive areas. The main driving variables are that Baha'is are to be buried as soon as possible after death and also within a relatively short distance of where the Baha'is die. We do not have any religious burial organisations and we use commercial services, generally in council cemeteries. We had one recommendation in our submission and this was 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.

The main reason for this recommendation is that one of the requirements for Baha'is is to be buried within one hour's journey of where a Baha'i passes away. This is not an issue in most country towns and even the larger regional cities in New South Wales, but it is starting to become an issue in the metropolitan area. For someone, say, in the local government area of Randwick, once burial sites become very limiting close at hand, it may take several hours to go to the outskirts of the metropolitan area for burial, which is contrary to Baha'i law. This is the main purpose of the recommendation that the Baha'i Council has made to this Committee and we note in previous comments that you have made that this is not inconsistent with other submissions to this inquiry.

CHAIR: If I might just start off by asking a couple of questions that arise out of that. You refer to the belief that someone should be buried within one hour's distance of where they die. How does that fit in with transport to a funeral director's premises and so on? Does the body then go from the funeral director's to the cemetery or back home? How do you juggle those distances?

Mr STEVENSON: The purpose of this particular law is to discourage Baha'is from placing a lot of emphasis on moving bodies large distances. The requirement is that burial should be within one hour's distance of the city limits in which the person dies. Within that there may be considerable movements that are required for the preparation of the body from where the person dies, et cetera, but it is to prevent long distance movement of bodies. This is one of the reasons why Baha'is cannot anticipate where they are going to be buried because they are not quite sure where they are going to die. There is a minor part of the funeral industry which is to do with transporting bodies large distances—interstate, even internationally. Most military services, for example, will transport bodies from wherever a person may be killed back to their home country, and this, for a Baha'i, would not be on.

CHAIR: In terms of where Baha'i people live, do they concentrate very much in certain parts of New South Wales?

Mr STEVENSON: No. The Baha'i community in New South Wales currently covers more than half the local government areas in New South Wales and while there is a significant concentration in the metropolitan area it is roughly proportional to the distribution of the wider community.

CHAIR: So approximately how many adherents are there in New South Wales?

Mr STEVENSON: I am not sure of the exact figures, but approximately 5,000. So we would be looking at less than 100 funerals per year at the moment and spread out across the State. I might add that my personal association with the funeral industry was relatively peripheral until I had to bury my father 10 days ago. Through that process I have acquired some extra perspectives on the situation.

CHAIR: Where did he die?

Mr STEVENSON: He died in Queanbeyan and was buried in Queanbeyan.

CHAIR: I think you said that you do not have any insistence on people being buried in a separate, dedicated part of a cemetery. What about a religious service? I am wondering how you know how many people there are a year. What is it that makes a Baha'i funeral different? Where does the service take place? What do funeral directors have to do that may be different from what happens with other people?

Mr STEVENSON: To a certain extent the following of the Baha'i law with funeral directors is dependent upon an adequate briefing of the funeral director as to the requirements: similarly to our Jewish and Muslim colleagues, as soon as possible after death; no embalming and no cremating. The funeral service is relatively simple and can be elaborated as required by the family or if there is no family then by the local Baha'i community that would make those arrangements. We might use a funeral chapel; we may use a community hall of some sort for the service, but again minimal ceremony. The only actual requirement is the saying of a specific prayer at the graveside. So even a graveside ceremony is also relatively simple.

CHAIR: And that prayer has to be said by a member of the community or the family or by a designated person?

Mr STEVENSON: There are no clergy in the Baha'i faith so quite often it is a member of the family; it may be somebody who was requested by the family to provide that prayer. But, in general, the Baha'i community would use the commercial services of the funeral directors and, as I mentioned before, using a council cemetery; many Baha'is prefer lawn cemeteries and to keep it, again, as simple as possible.

CHAIR: So on the issue of cost is the call for simplicity general? The people from the Jewish Board of Deputies, for instance, talked about being as democratic as possible trying to discourage any differentiation in terms of coffins or other aspects of the service. When you talk about keeping things fairly simple is that something that is expected of every member of the Baha'i faith?

Mr STEVENSON: No, it is not specifically expected. The requirements for a coffin, for example, is the use of—to quote the phrasing—crystal, polished stone or a hard, fine wood. So the options that are generally open to Baha'is at the moment with what is commercially available would be a hardwood coffin. There is no requirement for sealing in a casket like at the upper end of the range but also that requirement would probably preclude the other custom board options that would be available. So that when you look at a baseline cost, and just looking at my father's funeral a short while ago, some 25 per cent of the cost is in funeral company fees, 33 per cent associated with the coffin, 30 per cent in the purchase of the plot, headstone and perpetual maintenance, which will be the way in which the local council would provide that, and some 10 per cent for government fees, which is mainly GST but also death certificate and whatever.

CHAIR: One would assume that the cost of the burial space in Queanbeyan would be less than in most Sydney cemeteries so those proportions would vary if your father had been buried in Sydney?

Mr STEVENSON: Yes. There appear to be some variations. I would suggest that there is a relationship per metre between prime land costs elsewhere in the area and also the cost of a burial plot. But also where you have a well-organised council that is providing perpetual maintenance that could also be built into the cost. So it is probably, in a roundabout way, comparable to prime land costs elsewhere in the locality.

CHAIR: So would you say that the cost of a funeral is a significant issue for the community?

Mr STEVENSON: It tends to be as significant an issue as the lack of preparedness of individuals for handling their costs at the time of death.

CHAIR: They have to be of relative affluence?

Mr STEVENSON: That is right. So anyone who is struggling financially at the time is going to find \$5,000 to \$7,000—particularly if the requirement is to pay upfront—a significant cost. And if you do not have that money accessible then to borrow the money and to be then paying interest on that borrowing is also another cost. But I would suggest that as far as the Baha'i community's concern, it is similar to any other member of the community in terms of what end of the income scale you might be at the time.

CHAIR: Are there any heritage issues?

Mr STEVENSON: There are minor heritage issues associated with some graves of the early Australian Baha'is.

CHAIR: How long ago?

Mr STEVENSON: We are looking at only the last 100 years and most of those issues arise in Mona Vale Cemetery and Woronora Cemetery, but they would be relatively minor.

CHAIR: Are they council-owned cemeteries?

Mr STEVENSON: I understand that they are.

CHAIR: Crown reserves or whatever. So there is an issue as to whether enough money has been set aside for maintenance into the future or whether the income still coming in is sufficient to pay for upkeep and preserve heritage?

Mr STEVENSON: In relation to that, the Baha'i community would be prepared to cover the costs of the maintenance of those particular graves. But we are talking about less than a dozen graves that would fall into that category that we could see at the moment.

CHAIR: So when you say "would be prepared to", you have not been asked to?

Mr STEVENSON: Not specifically.

CHAIR: But you would if the need arose?

Mr STEVENSON: The Baha'i community would regard this as significant enough to make sure that those graves do not fall into disrepair.

CHAIR: But there are only a dozen or so?

Mr STEVENSON: Approximately.

CHAIR: Do those two cemeteries have much more recent graves as well for Baha'i people?

Mr STEVENSON: Yes.

CHAIR: But not in any one particular segment of the cemetery?

Mr STEVENSON: No. And as the Baha'i belief is that we should associate with people of all races and religions, to have a segregated cemetery is not something that we would specifically pursue at this stage.

CHAIR: Given the emphasis you are putting on that recommendation—the supply of affordable plots, sufficient numbers and within reasonable distance and so on—do you have any views

on the options to address the shortage of burial spaces? For instance, do you have a view on vertical internment or renewable tenure or any of those sorts of things?

Mr STEVENSON: Is it possible to have "vertical internment" defined because I am not absolutely clear—

CHAIR: I think it just means buried standing up rather than lying down.

Mr STEVENSON: There are no specific guidelines in the Baha'i writings in relation to that. We would have a requirement that there is only one burial per site. So the option that is available in some council cemeteries for double sites is not an option for Baha'is, again because we are not sure where we are going to die, therefore where we will be buried.

CHAIR: So there is no provision for family members to be buried together?

Mr STEVENSON: No, again because of this issue of not knowing where you are going to die.

CHAIR: What about aboveground vaults and so on?

Mr STEVENSON: The preference is not for that. As I mentioned before in terms of vertical internment, that would be a possibility. There are no specific guidelines that we know of at the moment on that.

CHAIR: Presumably you would have no objection to the provisions for revocation of unused sites?

Mr STEVENSON: We would not have any specific objections to that but we would suggest that forward planning by the State Government in relation to the Sydney metropolitan area becomes a key issue. The area of land required for the current population of Sydney, if everybody was buried rather than cremated during the next century, would be three to four square kilometres of cemetery space. This issue will not finish; it is an indefinite requirement that the community is going to have for burial space of some sort. We have gone beyond the stage with local governments that are landlocked by other city areas. The option for setting up burial space is very limiting.

CHAIR: Your one-hour limit could very easily be reached in the near future.

Mr STEVENSON: That is right. Rookwood used to have a cemetery train that went directly from wherever to the cemetery. That may have possibilities to move significant distances. But certainly at the travel rate of a cortège it is not very easy.

CHAIR: How is this issue addressed in other very large cities around the world?

Mr STEVENSON: I cannot answer that question.

CHAIR: There are many cities much larger than Sydney, and with perhaps more traffic problems than Sydney as well. Is the one hour as near as possible or does it have a very strict meaning?

Mr STEVENSON: The strictness of this is not absolute. It could be by helicopter, for example, if things had to be done in that way.

CHAIR: But it has to be one hour?

Mr STEVENSON: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It is not very Baha'i-ish though, is it?

Mr STEVENSON: The intention spiritually is that you do not cart bodies large distances. This is an issue we had to grapple with.

CHAIR: Is it for the sake of the body or the sake of the grieving family and friends?

Mr STEVENSON: I would say it is both. It is also a spiritual principle that the body is not something that we should expend a huge effort in trying to preserve or maintain beyond a short period of respectful handling.

CHAIR: The helicopter suggestion seems to be expending a lot of effort.

Mr STEVENSON: It would, and obviously it increases the cost of interment, which is another reason access to burial sites close by is useful. Even in environmental terms this starts to become important. The amount of energy expended carting both bodies and funeral cortèges long distances may become an important issue in the future.

CHAIR: That finishes our questions. Thank you very much for enlightening us on another group in the community. We have had a very enlightening day today from that point of view.

(The witness withdrew)

RICHARD HUGH DAVIS, Chief Executive Officer, InvoCare Ltd, Level 4, 153 Walker Street North Sydney, sworn and examined:

CHAIR: Would you like to make an opening statement?

Mr DAVIS: No, I am happy to answer any questions that the Committee might have. If I cannot answer them I can respond in due course in writing.

CHAIR: Yes. From your submission we gather that your share of the funeral services market is approximately 26 per cent. Can you break that down a bit for us and talk about the different sections of the industry that InvoCare is involved in and how they stand in relation to that overall position?

Mr DAVIS: Certainly, and I am sure that will lead to more questions. Going from the northern New South Wales to the south, we operate in the Tweed-Northern Rivers area with locations in Ballina, Lismore and Casino—four locations there. We operate in the Newcastle region at five locations. In Sydney we have 42 locations. In Wollongong we have three locations and there is one location in Queanbeyan. They are just funeral locations. In relation to cemeteries and crematoria, we have a crematorium at Tweed and crematoriums which include cemeteries: two in Newcastle; a crematorium and cemetery in Wollongong and in Sydney we have five crematoriums, three of which have cemeteries attached. One is leased from the New South Wales Government, the crematorium within the grounds of Rookwood.

When we talk about market share on the funeral side we are looking at the number of funeral services, which may result in either cremation or burial, and we estimate the number based on the deaths recorded last year in New South Wales is around 26 per cent. We believe we do a third of cremations and burials. It is more difficult for us to break up the number of cremations and the number of burials separately because we do not have any statistics provided to us telling us the overall break-ups of cremations and burials in this State. Our funeral market share in Sydney is probably in the order of 39 per cent compared with 44 or 45 per cent for our market share at the beginning of the nineties. That gives you some idea of our size and the number of locations that we have.

The Hon. CHARLIE LYNN: Do you have an interest in any businesses that support the funeral industry such as florists, mortuaries—

Mr DAVIS: No, we use florists that are local—a number in Sydney, Newcastle and around the countryside. We are not in the manufacture of coffins nor are we involved in the quarrying of granite. I am not quite sure of the terminology for bronze or other plaques.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are involved in embalming, though?

Mr DAVIS: Yes, we are. That is integral to providing funeral services for those people that need them. In this State you need a mortuary where any body preparation work, any invasive work to the body, must occur. That may or may not include embalming.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Embalmers are mainly salaried employees of funeral directors; they do not have private practices, as it were?

Mr DAVIS: Both. InvoCare predominantly uses full-time employees. Sometimes if there is a need we use what are referred to as contract embalmers. The smaller operators in Sydney would certainly use contract embalmers if they did not have an embalmer on staff.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So they are private practitioners, more or less, who go to whichever funeral director wants them?

Mr DAVIS: That is right. Under the health regulations to be an embalmer I think you need to be a member of the Australian Institute of Embalming or the equivalent in New Zealand or in the UK or the United States or have some other certificate which the department would recognise.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have cosmetic people as well? They are separate from embalmers, are they?

Mr DAVIS: They would be people that are not qualified as embalmers. They might be doing their course and do the bathing of the deceased and put on some cosmetics. But any handling of the body, from a health point of view, they would need to be trained for.

CHAIR: Do several funeral homes in some cases share the mortuary?

Mr DAVIS: Yes, they do.

CHAIR: How does that operate? Can you give us any figures on that?

Mr DAVIS: Is probably easier to go through the regions to let you know the mortuaries that we utilise within the group. That does not mean to say that we do not have more mortuaries than we utilise. It might be just historical. But we would use one mortuary to cover the Tweed area, one to cover the Northern Rivers area, one to cover the Newcastle area, and five predominantly here in Sydney. We use one in Wollongong and we use one to service the Queanbeyan region. We have other mortuaries that we use to store the deceased. I am not sure whether the Committee is aware that, if you are holding a body that has not been embalmed, once it goes outside of four hours it needs to be kept under refrigeration. So in a number of facilities we have registered or holding rooms where those deceased bodies are retained.

CHAIR: Is that in addition to the figure you just gave us for mortuaries?

Mr DAVIS: The number of mortuaries and holding rooms would exceed the number that I have just given.

CHAIR: Is there any other portion of the industry that we have not included in the list?

Mr DAVIS: I think we have covered that side of it. I am sure that if I have not it will be picked up soon.

CHAIR: Do you have any interest in the monumental masons, the plaque makers and so on?

Mr DAVIS: No, we do not have any interest in them.

CHAIR: And the cemeteries managed directly by InvoCare or by trusts or whatever? That question partly depends on the status of the land they are on.

Mr DAVIS: They are or owned or operated by companies. Excluding Rookwood, which is under a lease, they are owned by a subsidiary of InvoCare. With the exception of one to the south of Newcastle, they are 100 per cent owned. There is a minority shareholding with one south of Newcastle. In the case of the crematorium within the grounds of Rookwood, the lease is in the name of the New South Wales Cremation Company Proprietary Limited.

CHAIR: None of the cemeteries or crematoria are on public land where there is a long-term lease?

Mr DAVIS: With the exception of Rookwood.

CHAIR: What is the regime of inspection for mortuaries or any of the other facilities? Does that involve a relationship with NSW Health or with local government?

Mr DAVIS: I think I am correct in saying that in recent months there has been increased activity by local government in inspecting mortuaries. We have experienced it so I assume that other operators within the industry have also experienced that. Normally our mortuaries or facilities are inspected when a development application or a building application is submitted to the council and then they send their inspectors out. Then it really depends on the local council as to whether they would annually inspect them or inspect them on a needs basis.

CHAIR: Is there any common pattern to the inspections, any checklist of things that the council is looking for, any problems that commonly arise?

Mr DAVIS: I could not answer that. That is more an operational issue. But I am sure that if there were issues it would require capital expenditure and I would be aware of them.

CHAIR: So really inspections, on the whole, produce a satisfactory result?

Mr DAVIS: Well, they are certainly not a major issue. There may be minor issues, but it certainly has not been an issue which has affected us operating out of an operation centre.

CHAIR: Are most of the mortuaries fairly old premises?

Mr DAVIS: If you look at our ones here in Sydney, we constructed the one out at Eastern Creek in the mid-90s, the one at Lidcombe we constructed in the late 90s, the one at North Ryde has had a number of modifications but that would have been certainly the late 80s, early 90s from memory; the one at Rockdale that we utilise, that certainly was constructed in the late 90s and the one out at Leppington had some upgrades but I cannot tell you when it was constructed.

CHAIR: So they are relatively new?

Mr DAVIS: Yes.

CHAIR: Would it be true to say that InvoCare therefore has considerable economies of scale and other economies whereas some of the more traditional family-owned funeral companies would have older, smaller premises, more dated mortuaries?

Mr DAVIS: I think it is difficult to make a generalisation like that but, certainly, the size of our mortuaries is determined, to a degree, by the number of mortuary tables that you have in a mortuary and the size of the refrigeration. In some cases we have plenty of capacity; in other cases, capacity is an issue and in time we will have to address that. I am sure that would be similar for the smaller operators as well.

CHAIR: You have five mortuaries in Sydney, is that right?

Mr DAVIS: Five that we predominately use.

CHAIR: For 42 funeral homes?

Mr DAVIS: Yes.

CHAIR: What is the standard size? What is the standard number of tables in one of your mortuaries?

Mr DAVIS: I think the range would be from one to three. You need to bear in mind—it is a statistical issue—that 46,000 people die in New South Wales. We do approximately 26 per cent of those, and then if you extrapolate that over the year, the number becomes considerably less on a daily basis, notwithstanding the fact that more people tend to die during the winter months than the summer months.

CHAIR: So a relatively small mortuary, working through the year, can cope with the numbers?

Mr DAVIS: Yes. I cannot recall of many occasions where mortuaries have been an issue for ourselves or, for that matter, other operators within the Sydney region. When I talk about funeral homes, I talk about funeral homes which may range from a shopfront with retail exposure to a full facility, which could include a mortuary, a chapel and a condolence area for families, should they wish to have some coffee and tea after the service, including parking. There is a wide range and that would also be reflected within the industry.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: There are tenders for burials for the Government, is that right?

Mr DAVIS: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: How does that work?

Mr DAVIS: I think every three years the Government here in New South Wales tenders for those people without or limited financial means for providers in the industry to carry out those services, including what they refer to as the police contract. This is a contract where an accident has occurred and the deceased needs to be moved to the Coroner quickly.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that a fixed rate, where you tender for all the ones for the next three years or do you get them individually from the police? How are they allocated?

Mr DAVIS: It is allocated to an area. There are different areas, depending on whether it is the country or in Sydney. I think there are a number of areas here within Sydney. The rate is a rate per transfer. The rate may vary, whether it occurs in business hours or outside business hours, including the weekend, and in some cases there are delays encountered in the transfer of the deceased. Maybe they need to wait for doctors, maybe the police have to do more investigation before the body can be moved, in which case there can be an additional amount added on to the account, depending on how the respondent to the tender puts his prices in. In addition, there is mileage, so for someone in a rural area, they might charge a fee, plus they might charge a fee per kilometre to transfer the deceased back to the Coroner or wherever the designated site is.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: How is the fee determined for the next three years?

Mr DAVIS: It is a set fee.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do all the funeral directors tender for it or does the Government simply send an edict, "This is how much you get per body"? How does that happen?

Mr DAVIS: No, the Government sets out a tender and then it is up to the industry or individual players to tender for that particular service, if they so desire.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But presumably with all the different funeral directors in New South Wales, they could not all put in tenders for any body in New South Wales. Someone presumably does not win the tender for the whole of New South Wales?

Mr DAVIS: No, they do not. What you must demonstrate is a capacity to be able to provide the necessary services.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: In that area?

Mr DAVIS: Correct, so if InvoCare were to tender for services for the Broken Hill area, it would be very difficult for us to be able to demonstrate that when we have no facilities and no employees in that area to do it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If there is a car accident, the police have a discretion as to who they call, do they?

Mr DAVIS: No. They would call the person who has the contract within that designated area. If I was in Wollongong or a death occurred in Wollongong, presumably the police will contact the tenderer for that area to carry out those services.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So within that area somebody gets all the business. Is that the bottom line?

Mr DAVIS: Correct.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: And all government business, including car accidents, hospital transfers, people who need moving?

Mr DAVIS: No. This is where a death has occurred which requires it to be taken back to the Coroner. It is not for every transfer that occurs; not for every death in that area. This is where an accident has occurred or they have found a deceased and there has been no nominated funeral director, then the contractor would take it back to the Coroner to do the necessary investigation.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Have you always found that there is probity in the way those contracts are administered?

Mr DAVIS: There certainly has been discussion within the industry that some people have been able to tender for the services without necessarily having the necessary facilities to carry that out. Whether, having been successful in getting the tender, they have actually performed, I could not comment on it. That would be a comment for the police and the Government.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do they then have to meet their prices with the mileage and timing, according to a schedule pre-arranged to do that?

Mr DAVIS: Correct.

CHAIR: Do you know roughly how many bodies we are talking about in relation to motor accident deaths and drownings?

Mr DAVIS: No. I could not comment on that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Are there extra charges for moving bodies if, say, the hospital fridge is full and they ask you to move it on a weekend? Are there charges for that?

Mr DAVIS: I am not familiar with the details—

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: This is operational stuff, is it?

Mr DAVIS: I do not have enough detail on the particular tender or how we, or others, may tender that those particular services.

CHAIR: We can take that up with the relevant people. Perhaps you could move on to the questions about the costs of standard burials and so on.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have a copy of the questions?

Mr DAVIS: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Could you provide a breakdown of the costs of a standard burial and cremation through InvoCare, for example, burial and cremation using a plaque? Are these costs standard across the InvoCare companies?

Mr DAVIS: Can I make a comment first? When we are talking about costs, there are costs which go on the funeral director's account; there are costs which go on the cemetery and crematorium's account and, arguably, there could be costs which the consumer may bear that are neither. For example, they may elect to have a function after the service, which the funeral director for the cemetery and crematorium has no involvement in.

I am going to try and answer this to the best of my ability and it will no doubt once again lead to more questions. If I look at the cost of a cremation here in Sydney—this is a funeral service, which includes a cremation and a memorial—it is not the most expensive but not necessarily the cheapest that we provide, but it will give you an understanding of the break-up of the costs. From memory, \$5,700 would include a funeral service, a coffin, an opportunity to have a viewing, the cremation at the crematorium, a modest memorial for the cremated remains, bearing in mind that at InvoCare approximately 30 per cent of InvoCare families elect to memorialise within the grounds of our crematoriums or cemeteries. It will also include some costs in relation to the press, putting in a death notice or funeral notice, flowers, costs of the clergy and the necessary papers that you need to allow a cremation to occur here in Sydney.

The break-up of that would be that 56 per cent would go to the funeral director, and that would largely relate to the cremation, the funeral service fee and the coffin; 23 per cent would go to the crematorium; 12 per cent would cover small items such as the flowers, the press notices, the doctors, the clergy; and 9 per cent would relate to the government charges, which effectively is the 10 per cent charge of the GST, so that gives you an idea of the cremation side. Would you like me to do a burial?

CHAIR: Yes?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Why not.

Mr DAVIS: A burial would be largely the same, except the cost at our cemeteries are much larger when it comes to the interment of a deceased versus the interment of the cremated remains of the deceased. There you would be looking at a total cost in the order of \$8,500 to \$9,000. I am not saying it is the cheapest and I am not saying it is the most expensive, but it is to give you an idea.

CHAIR: Is that in Sydney?

Mr DAVIS: In Sydney.

CHAIR: Presumably it would be considerably cheaper out of Sydney where burial spaces tend to be cheaper?

Mr DAVIS: I would have to check the prices on that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can you give us a ballpark figure of how they have changed over the last decade? The understanding that we have is that funerals have gone up much more than the CPI, is that the case?

The Hon. IAN WEST: Can we get the burial costs first?

Mr DAVIS: In terms of the costs of a single interment, which gives you the opportunity for more interments and what the industry refers to as an opening and closing—that is the digging of the grave plus a bronze plaque on a granite base, then you are looking at a cost of around the \$4,000 mark. Once again, this is not the cheapest or the most expensive. The allocation is 36 per cent would go to the funeral director; 47 per cent would go to the cemetery and crematorium; 8 per cent would go to the florists, the doctors, the papers, et cetera; and 9 per cent, once again, would go to the Government in the form of GST.

CHAIR: Can you just clarify for us the relationship between the \$8,500 to \$9,000 and the \$4,000?

Mr DAVIS: You again have the same funeral service but the difference is that one is memorialisation of cremated remains, which I think was talking around the \$1,300 mark, and the costs attached to a burial was around the \$4,000 mark.

The Hon. IAN WEST: That was a modest memorial?

Mr DAVIS: A modest memorial, yes.

The Hon. IAN WEST: \$1,300?

Mr DAVIS: That is a bronze plaque, which occurs on what we would call a granite book. I do not know if anyone is familiar with cemeteries and crematoria, but it is a large granite book, which has plaques on it, and the cremated remains would be interred nearby.

CHAIR: Or a plaque in a lawn cemetery?

Mr DAVIS: That would be a burial, or you could have it for cremated remains as well. Normally that would be in some different form.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can you tell me how the fees have changed over the last decade?

Mr DAVIS: Yes. If I look at service fees, that is the funeral director's fees, then the average spend has been increasing at the rate of 3.4 per cent.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Over the last decade?

Mr DAVIS: Yes, that is per annum. I think if you extrapolate that up, that is certainly a significant increase. It is probably in the order of 50 per cent, if you look at it. The price of coffins has been increasing at a reduced rate, and that has been quoted in the submission. I cannot recall that of the top of my head, but it is certainly less than service fees. Burials have gone up at the rate of about 9 per cent per annum.

CHAIR: Over the last decade or so?

Mr DAVIS: At InvoCare, yes. I think that is in line with public cemeteries; in some cases I think they might have even gone up more.

CHAIR: What about cremations?

Mr DAVIS: Cremations have gone up, I think, by 2.4 per cent.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So they are becoming cheaper relative to the consumer price index?

Mr DAVIS: Yes.

The Hon. IAN WEST: Is there any reason why all your premises are on the eastern seaboard and you do not have premises in areas such as Bathurst and Lithgow, for example?

Mr DAVIS: Predominantly that is where the people reside and where we believe we can operate commercially under the structure we have, knowing that we will have competition in that particular market. If we went into a small location, it would only be a matter of time before there would be more competition and financially we would find it difficult to operate the way we do as a commercial enterprise where we employ people; it is not an owner-operator situation.

The Hon. IAN WEST: You do not appear to have offices in Blacktown, for example.

Mr DAVIS: When I talk about Sydney, I talk about the greater business area. If you look at the spread, going from north of Sydney we have funeral homes at Warrawee, Penrith, Windsor, Camden and Sutherland, and there are locations scattered across Sydney accordingly.

The Hon. IAN WEST: You just do not go past the Blue Mountains?

Mr DAVIS: No, we do not.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: How many representatives do you have on the Funeral Industry Council?

Mr DAVIS: We have one.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But you have significant ownership of other groups on that council, do you not?

Mr DAVIS: We are active members of the Australian Funeral Directors Association, but I do not think there is anything that we have put up to that association that would have any bearing on this inquiry.

The Hon. IAN WEST: You are a member of the Australian Funeral Directors Association New South Wales Branch?

Mr DAVIS: We are a member of the Australian Funeral Directors Association which has a division here in New South Wales, which has one person on the Funeral Industry Council.

The Hon. IAN WEST: You are not a member of the New South Wales Funeral Directors Association?

Mr DAVIS: No, we are not.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are a significant employer of embalmers also, are you not? What percentage of the embalmers in New South Wales do you employ?

Mr DAVIS: I do not know how many registered embalmers there are in New South Wales. For that matter, I could not tell you how many registered embalmers we have in New South Wales employed by InvoCare.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But you might have a significant input to what the embalmers say to the Funeral Industry Council?

Mr DAVIS: Not that I am aware of.

CHAIR: How representative do you think the Funeral Industry Council is, as currently structured?

Mr DAVIS: The industry represents both the Funeral Association, whose members comprise the majority of the industry. I think a number of operators are not members of those associations, but I understand various people have liaised with them during the process of developing the Funeral Industry Council. Until recently the Cemetery and Crematoria Association were also members of the council.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you know why they left?

Mr DAVIS: My recollection is that they were disappointed with the progress the council was making in implementing the recommendations that the council was seeking.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It was a waste of time going to the meetings, in other words?

Mr DAVIS: I do not participate in the meetings so I cannot comment on that.

CHAIR: We have heard different evidence about the structure of the Funeral Industry Council. We also have questions about the recommendations it submitted to the government at the end of last year. In terms of the Funeral Industry Council itself and its possible continuance, whether or not it might be a regulator for whatever, do you see the need for more groups to be represented on it, specifically consumer representatives? What about the status of the government agencies as observers

rather than as members? What comments would you make about the structure of the Funeral Industry Council?

Mr DAVIS: I find that difficult to comment on because I have not participated in those meetings. I understand that they are always welcoming any contribution that various groups might make, but I do not know what the dynamics of that committee are and I do not know how effective it is.

CHAIR: Your company and you as the chief executive officer must have some sort of opinion about the effectiveness or otherwise of the council as a lobbyist but also in terms of how adequately it represents InvoCare and other players.

Mr DAVIS: Certainly from InvoCare's perspective we believe that we need to be represented because we have a major involvement in this industry in this State, and I think it would be as much in the industry's interest as it would be in powers that we have someone around the table. In terms of its effectiveness, it is simply a lobbyist, to date anyway, in trying to make representations to the Government. If you measure the effectiveness of that committee in terms of what is actually being changed, whether it is in new regulations or new laws or the way they are enforced, arguably you could say that the Funeral Industry Council has struggled, but it is not from want of trying.

CHAIR: Your submission makes it clear that you support the Funeral Industry Council's recommendations for a licensing scheme?

Mr DAVIS: Yes. What the council has put up is a solution for the Government to consider, and I think the council would say that if there is a better way of improving the regulations in the industry which is in the interests of consumers, the industry and Government, they would certainly consider it. But I do not think that any of the departments, or for that matter the Government, has come back to the Funeral Industry Council and said, "This is something we would like to do. What do you think?" I think it has been very much left on the foot of the Funeral Industry Council to put something to the Government.

The Hon. IAN WEST: And InvoCare supports those recommendations, or is not vehemently opposed to them?

Mr DAVIS: No, we do not oppose them.

CHAIR: Some people have expressed concern about the proposed scheme. Something that it might make it harder, for example, for the smaller operators. I come back to Hon. Ian West's question about InvoCare having no footprint west of the Blue Mountains; mostly they are smaller operators because of the spread of population. Some people worry, for example, that there may be an unfortunate impact of a licensing scheme on those areas. Do you have any comment to make about that?

Mr DAVIS: When you are talking about smaller operators in rural New South Wales, they may not be full-time funeral directors; they might have other occupations as well which can supplement their income. I do not think the Funeral Industry Council was advocating that all funeral directors needed to have the facilities that they would expect in Sydney. Financially that might rule out the provision of those services, so I think there needs to be some compromise, and that compromise would be realistic.

CHAIR: So the scheme may have a negative impact unless it has exemptions or is managed differently in different parts of the State?

Mr DAVIS: Yes. There are other issues as well that will cause some problems, but in the whole proposal I do not think they are large ones. One of the things that the Funeral Industry Council was recommending was that the cemeteries and crematoria be the gatekeeper, to ensure that the deceased have gone through a registered mortuary and that the funeral director had met a particular code of practice which is yet to be formulated by the Funeral Industry Council or whoever will do that. I think that, in theory, is good, but in practice it is another thing which Government and non-government cemeteries and crematoria are going to have to take on board and do.

CHAIR: Do you support that suggestion?

Mr DAVIS: I think that is the cost of regulating an industry. I think the industry understands that the Government is faced with a lot of requests, whether they be education, police or health, and the funeral industry is just one on a long list. What they have tried to do is to put a solution which they think makes sense and which they think the Government will hopefully seriously consider.

CHAIR: A couple of times we have heard the term "negative licensing" used as a way of regulating the industry in a reasonably small way. What is your opinion about that?

Mr DAVIS: I am probably the worst person to talk about jargon, whether it is licensing or negative licensing. I understand the Funeral Industry Council is recommending that a code of practice will be developed, any funeral director in the State needs to operate do that code of practice, that they will be licensed and will be on a list of funeral directors that meet those standards, and that the cemeteries and crematoria will be the gatekeeper to ensure that only people who are commercial funeral directors go through those cemeteries and crematoria.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do-it-yourself funerals or funerals arranged by the families themselves would be illegal in that model?

Mr DAVIS: I do not think it would need to go through that process; it certainly would not be illegal. Under cemeteries and crematoria, they cannot refuse access to the public.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If someone had the right paperwork, they would be fine?

Mr DAVIS: Correct.

CHAIR: Can you tell us about the complaint resolution policy that InvoCare has?

Mr DAVIS: Yes. InvoCare takes a lot of time in getting feedback from its family clients, whether it is good or bad. Unfortunately at times we get feedback which is not what we would like to see. We get that either directly in the form of a verbal complaint or a written complaint, but we also get it because we survey all our clients. We send surveys to the clients to see how we have performed, whether it is on the funeral side or the memorialisation side when it comes to cemeteries and crematoria.

If the complaint occurs, it is logged. The complainant is recorded, the date the complaint is received, the nature of the complaint is also put down, and the steps the company has taken to resolve the client family's issues, hopefully to the satisfaction of that family. We analyse those issues over time to see if there is a pattern or trend, whether it is the way we are operating, whether it is a location issue, staffing issue or a service issue.

A location issue could be that we get negative feedback about the facilities. Perhaps the facilities are not adequate for the community we are serving. For example, it could be that the sound system at a particular cemetery or crematorium is not up to scratch and we are getting negative feedback because the system is breaking down. Sometimes we will get complaints which are outside the control of InvoCare, but that is the relevant when it comes to the consumer because the consumer has contracted us to carry out that service and if it does not meet their expectations, rightfully they will come back to us about it.

CHAIR: Do you maintain any data on complaints? Can you share with the Committee anything that has been reported?

Mr DAVIS: Yes. In respect of 2004, on the funeral side there were 30 complaints and 40 complaints on the cemetery and crematorium side. I acknowledge—and, not surprisingly, I am sure—that from time to time there may be issues that we are not aware of because the family has not given us that feedback. That is why wherever possible we try to solicit feedback, whether it is good or bad. If we do not know about it there is very little we can do.

CHAIR: Within those 70 complaints can you quantify the level of seriousness or the cases where InvoCare agreed that the complainant had a pretty good case?

Mr DAVIS: I cannot give you the actual numbers but I am sure that in a good proportion of those cases the issue raised by the family was justified and we took the necessary steps to mitigate the damage that was done.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Have you referred any of those complaints to NSW Health or the Office of Fair Trading?

Mr DAVIS: I do not think there have been any health issues and I do not think any issues have needed to be taken to Fair Trading. If the family were not satisfied with the action we were taking it would be normal for them to take it to Fair Trading.

The Hon. CHARLIE LYNN: Have any been taken, do you know?

Mr DAVIS: I do not know whether they have gone to Fair Trading before or after they come to us, but certainly from time to time we have dealings with the department.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you have a view about the use of cardboard or homemade coffins?

Mr DAVIS: From InvoCare's perspective, if a consumer wants a cardboard coffin then we would do our best to procure or provide one as long as we address the issues that I am other people who have appeared before this Committee have raised over the last few months.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What about handmade coffins?

Mr DAVIS: I do not see that there is an issue with that if they want to make those. Once again, it is not an issue of whether it is made from cardboard or timber; it is whether they address the various issues from an occupational health and safety point of view. A lot of people have involvement with a coffin. They might get a minimalist-style coffin and personalise it in their own way by painting it or whatever they want to do to make it special for them.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you charge a mark-up on coffins?

Mr DAVIS: Yes, we do.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So it is not just a disbursement. With disbursement you do not charge a mark-up, is that correct?

Mr DAVIS: With out-of-pockets we charge a fee. There may be a component of profit on those if we settle within a certain period of time. But generally, no, we do not.

CHAIR: How cheap is your cheapest coffin?

Mr DAVIS: It is about \$800.

CHAIR: We saw a coffin in Broken Hill that was \$250. The price was so low because it was basically a cheap coffin with a much more elaborate-looking reusable cover that came down over it. Does InvoCare use or has it explored any of those options to cut costs?

Mr DAVIS: No, we have not. It is not something we would not do if we thought it was what the consumers wanted. But certainly from the feedback we have had from our clients, it does not seem to be a major issue. I could not comment on the Broken Hill one because I do not know who made it.

CHAIR: Having a reusable case considerably cut the cost for the consumer.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Taking up the point that your cheapest coffin is \$800, if people wanted to buy a coffin for \$250, with an artificial coffin over the pine board coffin, obviously it would reduce their costs by two-thirds. It seems odd that you would come here and say that you have not thought of that for your consumers.

Mr DAVIS: We do not have, and I have not seen or recall seeing, that coming back from families as something they want.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That they want a cheaper coffin?

Mr DAVIS: Overwhelmingly our client families are saying to us that the services we provide and the prices we charge are equal or less than they expected. So pricing is not an issue. In terms of recommendation, overwhelmingly our clients are saying that they would recommend the services to other people.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So you think they are pretty happy about the pricing structure of funerals as you deliver them?

Mr DAVIS: Certainly it has not come back in our client feedback.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If somebody came to you for a funeral you have a wide range of companies. You own a lot of companies that are not in InvoCare's name, is that correct?

Mr DAVIS: We trade in New South Wales under three groups: White Lady, Simplicity and then we trade under the individual heritage or family names of businesses that have either been acquired by InvoCare's predecessor or the predecessor before that. We do not hide the fact that they are owned by InvoCare Ltd. If you go in to one of our locations you should see that this is a business owned and operated by InvoCare. If you look at our invoices or our letterhead it certainly has that it is owned by InvoCare and it is an InvoCare firm. If you have a service with us we send a client survey with them, which says "You have just used the services of InvoCare" and asks how we performed. If you use our telephones we have an on-hold message that this is an InvoCare firm and so on. So we certainly do not hide the fact that these are InvoCare firms.

The Hon. IAN WEST: How much burial space is left in InvoCare cemeteries?

Mr DAVIS: The least land space is probably around the 40-year mark at current uses. A number of cemeteries would have significantly more than 40 years.

The Hon. IAN WEST: Does InvoCare accommodate different cultural and religious funeral practices?

Mr DAVIS: Yes, InvoCare does its best to meet the needs of various groups. In fact, we have built special sections within our cemeteries and crematoria. We have built special funeral homes to cater to different markets. So where it is practical we will certainly try to accommodate it. I think, as an industry generally, as far as involvement—be it families or be it for cultural needs—we try to accommodate that.

The Hon. IAN WEST: Do you allow relatives to participate in funerals?

Mr DAVIS: My word.

The Hon. IAN WEST: And act as pallbearers?

Mr DAVIS: Yes, we do.

The Hon. IAN WEST: What is your view on the degree of competition, vertical integration and ownership in the funeral industry?

Mr DAVIS: I think we operate in a very competitive market both on the funeral and on the cemetery and crematoria site. There are certainly more and more entrants coming into the market each year, so that does not seem to be a barrier from that point of view. In terms of vertical integration, it is important for the Committee to know that, whilst we may own cemeteries and crematoria, we have separate management for those cemeteries and crematoria. We run them independently from our funeral homes and we run them on a non-discriminatory basis. In other words, the pricing for InvoCare funeral directing family clients is the same as for non-InvoCare funeral directing clients. We do not discriminate in terms of using the facilities, the time, et cetera.

The Hon. IAN WEST: But there is consumer criticism in the industry about the costs being too high. Has InvoCare or the industry at large looked at some way of ensuring that consumers are not taken advantage of?

Mr DAVIS: Certainly we have not seen any evidence within our organisation that that is occurring, and I do not think there has been any evidence that I have seen—or very little evidence I have seen—in the media that would suggest that this is a widespread problem. There have certainly been cases that, arguably—based on what I have read—should not have occurred, but I do not think consumers are being taken advantage of.

The Hon. IAN WEST: But you would have no difficulty being involved in an industry-supported and encouraged system, whatever it might be, to look at the possibility that people are being exploited during a time of crisis and grief.

Mr DAVIS: I am not quite sure of the question.

The Hon. IAN WEST: You would have no difficulty with being part of an industry push from employers and players in the industry to support some sort of system, be it an ombudsman or whatever, to try to make sure that people were not exploited during a time of grief.

Mr DAVIS: InvoCare would not have a problem with that, not at all.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think the model of an energy and water-type essential service ombudsman would be a good one?

Mr DAVIS: I am not familiar with how that operates but if we are saying it should be somewhere where a consumer can go and make their complaint and they can adjudicate accordingly, I do not see there is an issue with that. Whilst there may not be a large problem, I think if a consumer has a problem it would be nice to think that it could be addressed in some form or another.

The Hon. IAN WEST: Do you think there should be a lead agency?

Mr DAVIS: I am not familiar enough to make a comment on that in terms of the way in which government operates. If you mean should Health take control of this or should Fair Trading take control of the legislation governing funeral directors, from an operator's point of view, it might make sense. But I am not quite sure how Health could comment on fair trading and Fair Trading could address a health issue. I do not know how that would work.

The Hon. IAN WEST: Looking at it from the point of view of facilitating people getting together and moving forwards as opposed to taking control, a lead agency would motivate others to get together and do something.

Mr DAVIS: I think that would be good.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You have a range of companies offering a range of market segments. If somebody comes in do you offer them the full range and say, "We can do a funeral for \$990 or \$10,000, which do you want?" or do you simply pitch it at what you think they want. For example, if someone goes to a car yard on the North Shore you would pitch them an upper-class Holden as opposed to a second-hand car. Do you simply make a judgment on the person and pitch at them or do you give them the full range of prices?

Mr DAVIS: I would be very disappointed if the latter occurred. We sit down with the family and try to work out what that family would like and try to accommodate something in terms of their needs. We make it quite clear to them as to what the cost will be and if there is an issue about the price then I am sure that our staff will try to structure a service that meets their requirements. Otherwise I am sure that consumers would not be recommending our services.

The Hon. IAN WEST: Do you operate in all States and Territories of Australia?

Mr DAVIS: We operate in all States and Territories other than the Northern Territory and Tasmania.

The Hon. IAN WEST: Do you think New South Wales could learn from the operation and regulation of the funeral industry in other States?

Mr DAVIS: Not specifically. No, I do not think so.

CHAIR: There are considerable differences between the States in some respects, are there not?

Mr DAVIS: Yes.

CHAIR: But you do not say, "Victoria is a fantastic model and it would be better if everyone operated that way" or Queensland or Western Australia?

Mr DAVIS: Not specifically. The difference in the States that I know of is where the power lies—whether it is in Health or Justice, whether it allows private involvement in the cemeteries and crematoria, et cetera.

CHAIR: But from the point of view of InvoCare those things are not—

Mr DAVIS: It is not a major issue. The way we operate in this State is not too different from the way we operate in the other States. I think probably the largest or the biggest issue—and it is not a major issue for InvoCare—relates to prearranged funerals and prepaid funerals because there is different legislation in each State on how to handle that.

CHAIR: In Victoria the cemeteries are all local government owned whereas in New South Wales you have a considerable investment in cemeteries and crematoria.

Mr DAVIS: That is correct.

CHAIR: You do not have that in Victoria.

Mr DAVIS: No.

CHAIR: Basically, you see yourselves as entering the market where the opportunities exist without worrying too much about State-by-State differences.

Mr DAVIS: Correct.

CHAIR: I think that is about it.

Mr DAVIS: I appreciate this opportunity, thank you.

CHAIR: We have certainly covered all the questions. Thank you for answering them. I do not think you wanted to table anything.

Mr DAVIS: No, there is nothing to table.

CHAIR: There may be some additional questions, particularly from earlier when you were giving us factual material. We may contact you again, for instance, to get those figures on the breakdown and the number of homes if the *Hansard* record is not clear.

Mr DAVIS: That is not a problem.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Could we get guideline figures over time?

CHAIR: On what?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: On the cost and breakdown of crematoria and burials. Do you have those? You were reading from something.

Mr DAVIS: I just got an indicative one this morning when I looked at the questions that came through as of today. I do not know what it would look like over time.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Would you have statistics of mean costs per funeral over time?

Mr DAVIS: We have given those in the submission.

CHAIR: For instance, you gave figures about the rise in the funeral director part of the cost—3.4 per cent, et cetera. You have nothing further to add to what you have already given us.

Mr DAVIS: Correct.

CHAIR: Thank you very much.

(The witness withdrew)

(The Committee adjourned at 5.00 p.m.)