



Cemeteries and Crematoria Association of NSW

IPART

Review of

Competition, Costs and

Pricing in the NSW Funeral Industry

Date Submitted Electronically: 7 May 2021

Submitted by: Mary Reid, Secretary

- 1 *That NSW Government agencies publishing information about organising funerals optimise their websites for search engines, to enable information to be readily found by consumers doing internet searches.*

Comment: Support

It is recommended that the related agencies be required to disseminate information not only via optimised search engines but also in formats accessible to community members who do not have internet access or whose first language is not English.

- 2 *That the NSW Government's Life events webpage be made the primary site for comprehensive information about the process after a death occurs, with other websites linking the relevant sections of the process.*

Comment: Support

We acknowledge that IPART has already 'mapped' the geographic distribution of funeral entities. We are not clear whether it differentiated within that mapping according to the ownership of those funeral services.

That page should also list the various trading names under which providers of funeral services or funeral brokerage facilities, market themselves. In the absence of that information consumers ability to seek real, competitive quotes is materially diminished.

If they are not already provided, it would be beneficial for links to NSW Government's Life page to be provided on other frequently used, related sites e.g., Births, Deaths, Marriages and Service NSW.

There should be Google Search Engine Optimisation so that the Life Events page is the first result when "What do I do when someone dies" or similar questions are asked.

- 3 *That NSW Fair Trading develop a consumer guide that:*
 - (a) *encourages consumers to contact more than one funeral provider, or view the price lists of funeral websites, before agreeing to transfer the person who has died into the care of a funeral provider*
 - (b) *includes a checklist and questions to ask funeral providers to assist consumers quickly obtain more than one quote (we have prepared an example of what could be included here)*
 - (c) *includes information about the legal requirements of conducting a funeral without the assistance of a funeral provider, as well as any forms required (e.g. the form to register the death and the form to apply for shrouded burials).*
 - (d) *The consumer guide should be published on the NSW Government's Life events webpage and could also be provided at hospitals, aged care homes or social services organisations.*

Comment: 3(a) Support

To facilitate transparency, on their quotations funeral providers should be required to disclose the trading names of other providers that are part of their entity or associated business structures.

The consumer guide should also mention matters related to the conduct of “Destitute” or “Pauper” burials, for those with no resources. Possibly this might be discussed in conjunction with other options, such as DIY funerals.

NOTE: Transparency should also apply to place of provision of service. Families are often unaware that the deceased may be transported to out of area crematoria to facilitate cost savings to the funeral provider.

Comment: 3(b) Support

Comment: 3(c) Unable to support without additional clarification

In principle the Cemeteries and Crematoria Association of NSW (CCANSW) has no objection to the conduct of

- **DIY funerals**, provided that the related compliance requirements are clearly detailed and met by participants e.g., WHS Act, Health and other legislative obligations in relation to certification of death, transfer and handling of the deceased, cemetery operational and administrative requirements etc.
- **Shrouded burials.** CCANSW highlights the need to clarify the current legal requirements in relation to shrouded burials. Whilst provision has been made for shrouded burials for the Islamic community, the Act precludes their use for others i.e. for natural or other forms of bodily burial.

In resolving that inconsistency, significant issues in terms of public health and work health and safety, potentially associated with shroud interments need to be addressed.

The practices associated with Islamic shrouded interments are understood by some cemetery operators and some funeral directors servicing that community. Usually, family members enter the grave and the deceased is passed down to them, for placement.

That said, it would not be prudent to generally promote shrouded interments unless that promotion is accompanied by a Code of Practice or explicit guidelines or standards in relation to:

- safely transferring the deceased prior to arriving at and within a cemetery
- appropriately handling the deceased in public places
- how to inter the body/lower it into the grave e.g., how burials will occur without the support of a coffin or a tray or rack to facilitate lowering
- the circumstances under which the deceased must remain within a sealed body bag
- how the deceased may be lowered into the grave space without compromising the work health and safety of those assisting.

The likely risks with shrouded burials are for the most part foreseeable. Consequently, it would be prudent to address them in parallel or prior to promoting shrouded interment.

NOTE: With the rise of death doulas and alternative funeral offerings there are Work, Health and Safety and Public Health concerns regarding the home construction of coffins. A Code of Practice with explicit guidelines for the construction of coffins is required to address these matters.

Comment: 3(d) Support

- 4 *That NSW Health, and Births Deaths and Marriages NSW update relevant forms such as authority to collect deceased, or the registration of death, to allow families to complete and submit them electronically, and without the assistance of a funeral provider.*

Comment: Support

For families without access to the internet and or requisite skills, there should be an option to seek support directly from Service NSW.

- 5 *That, to improve compliance with the funeral information standard, NSW Fair Trading amend its website and FAQ information about the standard to:*
- *provide examples of what constitutes ‘prominent display’*
 - *clarify what constitutes a public website for the purposes of the standard*
 - *include a definition of the ‘least expensive funeral package’ to clarify that it is an estimate of the total minimum price for the least expensive combination of products a funeral provider offers to customers, whether or not the funeral provider defines that combination of products as a ‘package’.*

Comment: Support

CCANSW notes that the components of the “least expensive funeral package” should be clearly defined to transparently reflect at least

- whether the price is based upon a “no service, no attendance cremation/direct cremation” or interment at a remote less expensive cemetery or a more traditional funeral i.e., a service with mourners’ present
- which crematorium or cemetery will be used for bodily disposition
- what services are excluded from the quote
- what the specifications for the receptacle are e.g., cardboard coffin, particle board, shroud, mdf, solid timber etc
- whether provision has been made (or not) for dressing the deceased at all or in clothes supplied by the family
- how the deceased will be transported and whether there are distance constraints
- which administrative tasks the client will have to undertake e.g., completion of paperwork, booking of cemetery or crematorium etc
- whether the service provider will provide staff to lower a coffin for burial or to conduct a funeral service
- what the terms of payment are.

- 6 *That NSW Fair Trading start the process for amending the funeral information standard to*
- *require all funeral providers to publish:*
 - a. *the price of their professional services fee.*
 - b. *the price of the least expensive funeral package that includes a funeral service, for the burial or cremation of a body, if supplied by the funeral provider.*

Comment: Support

To allow for the increasing disruption of the market by funeral brokers and online (but not visible) service providers we suggest including reference to “if supplied by **or arranged through** the funeral provider”.

NOTE: Total cost of a funeral should include the fee for cremation or interment by a third party if funeral provider is not a cemetery or crematoria operator. There is concern in the community that these fees are being added to by the funeral provider.

- 7 *That, to improve compliance with the funeral information standard, NSW Fair Trading continue to audit websites and commence enforcement action for non-compliance.*

Comment: Support... subject to registration of funeral service providers

The real underlying question, that is not being addressed, is how can Fair Trading audit and enforce, if it does not have an up to date “live” listing of funeral directors?

Funeral provider registration remains the “elephant in the room”.

Whilst sound, suggestions about improving web sites and consumer information are ultimately undermined if the providers of funeral services are not regulated. In the online forum Fair Trading representatives saw merit in registering funeral providers but raised barriers to accepting responsibility for it. The suggestion that the “otherwise competing for members” multiple funeral directors associations together register providers is impractical. Similarly cemetery operators cannot regulate the industry.

There is no legislative requirement for funeral service providers to belong to a funeral or cemetery or other industry association. Unlike other essential services or similar professions, there is no obligatory registration process, through which suppliers can be monitored and performance requirements and standards enforced.

Sadly, it has been repeatedly acknowledged that all you need to be a funeral director in NSW is an iPad and a mobile phone. Whilst John Ruskin (1819-1900) has been dead more than 120 years, his quote

“There is hardly anything in the world that some man cannot make a little worse and sell a little cheaper, and the people who consider price only are this man’s lawful prey.”

is just as relevant today as it was when it was written. If Fair Trading is to be successful in its endeavours to assist consumers, it should either undertake funeral service provider regulation or facilitate that activity by others.

Management of funeral providers by cemetery or crematoria operators at the point of arrival at a cemetery or crematoria is fraught due to the tight timeframes prior to interment or cremation. Assurance as to appropriate insurances and knowledge of safe practices would be more comprehensively managed via a central register to confirm their status at point of booking.

In previous submissions to IPART and to other authorities, in relation to the reviews of the industry, cemetery act and regulations, this Association has consistently proposed that Cemeteries and Crematoria NSW (CCNSW) be made responsible for the industry.

- CCNSW has a clear remit to assist Fair Trading and consumers. The Cemeteries and Crematoria Act specifically provides CCNSW with coverage of the interment industry, not just cemeteries and crematoria. In that respect the naming of the Statutory Authority appears to create the impression that its role is generally limited to cemeteries and crematoria.
- CCANSW notes its longstanding use (since 1965) of the abbreviation CCANSW and the readily apparent, ongoing confusion caused for consumers and cemetery operators by the similarity of the acronyms CCANSW and CCNSW.

To facilitate transparency and to help consumers understand its role, the CCNSW should operate under a more appropriate name simple English name that is less confusing e.g., Funeral Industry Agency (FIANSW) or some other title that more accurately reflects its functions under the Act. It should also register funeral providers.

- 8 *That NSW Health remove from the Public Health Regulation any provisions regarding body disposition that they consider unnecessary to protect human health when the regulation is reviewed prior to statutory repeal.*

Comment: Support provided it is in consultation with the industry, including the CCANSW. Particular attention should be paid to shallow burials, shrouded interment, requirements pertaining to the structural strength of cardboard (or substitute) receptacles used as containers for bodies being inserted (charged) into cremators.

- 9 *That NSW Government websites with funeral information include information about (or links to Commonwealth information about) enhanced financial regulation, and consumer rights and responsibilities with respect to funeral financial products.*

Comment: Support

Consider broadening beyond websites, recognising the communication challenges associated with disadvantaged communities e.g. making information available in other languages online and via hard copies made available through a well-defined network of service providers.

- 10 *That NSW Fair Trading prioritise consumer education about funeral insurance and funeral products, including the existing 'It's ok to walk away' campaign with Aboriginal consumers.*

Comment: Support