



Independent Pricing and Regulatory Tribunal
New South Wales

Competition, costs and pricing in the NSW funeral industry

Public Hearing Transcript

Thursday, 29 April 2021 at 2pm

Tribunal Members

The Tribunal members for this review are:

Ms Deborah Cope, Acting Chair
Ms Sandra Gamble
Mr Mike Smart

Members of the Secretariat:

Ms Liz Livingstone, Ms Fiona Towers, Ms Jennifer Vincent, Ms Jessica Hanna, Ms Felicity Hall, Mr Justin Robinson and Ms Courtney Barry

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1 Review of NSW Funeral Industry

1.1 Welcome

Ms Livingstone: Good afternoon again everyone, we'll make a start now. My name is Liz Livingstone and I'm the CEO of the Independent Pricing and Regulatory Tribunal (IPART). I'll be managing the public hearing today so I'm just going to start with a few housekeeping notes.

I'd ask that you please keep your microphone muted if possible when you're not speaking, that helps avoid feedback and background noise for all of us. But we do encourage you to keep your camera on if your internet connection is up to it, and you feel comfortable with that. It helps us to connect a bit better with you.

To ensure we've got an accurate record of our meeting today, the hearing is being recorded to YouTube. It's only being made publicly available after the event. So we're recording it now, but it will be made available in a couple of days. We'll also be transcribing this hearing and placing a copy of the transcript on our website in a few days.

Now I'm just going to provide a very brief overview of today's agenda. In a moment IPART's Acting Chair Deborah Cope will commence with a welcome and update on where our review is up to. We will then give a short presentation of our draft findings and recommendations.

And after that we've invited some of you to present your views on our draft recommendations. We've grouped the presentations so that we'll hear from government, then consumer, and then industry representatives. And after each of those groups of presentations, we will open the discussion to the floor, including our Tribunal Members who are all here with us today.

Now I'd like to encourage all of you to ask questions and share your views as we go through the hearing today. But for now I'll hand you over to Deborah Cope, IPART's Acting Chair.

Ms Cope: Thanks very much Liz. And with me today I've also got my fellow Tribunal Members Sandra Gamble and Mike Smart. And we're assisted by the Secretariat staff: Fiona Towers, Jennifer Vincent, Jessica Hanna, Felicity Hall, Justin Robinson and Courtney Barry.

IPART acknowledges the traditional owners of the lands on which we meet today and the traditional owners of the lands and waters from which we are all dialling in this video conference. We pay our respects to their Elders, past and present. And we acknowledge the ongoing connection that Aboriginal people have to the land and recognise Aboriginal people as the original custodians. We would also like to acknowledge any Aboriginal and Torres Strait Islander people who are here today.

Welcome to this public hearing. It is really great to have so many people here today and we'd also like to thank those of you that have already participated in the review by providing data, making written submissions, and having discussions with the Secretariat staff.

I note that there are representatives from the funeral industry associations and consumer and community organisations. And many of you and your members have been extremely generous with your time and your expertise already and we really appreciate that.

This review of competition, cost and pricing factors in the NSW funeral industry is part of a review that's under section 145 of the *Cemeteries and Crematoria Act*. We separated out the review into two stages. In the first stage we looked at internment cost and pricing and we've completed that stage of the review and submitted our Final Report on that to the Minister for Water, Property and Housing, and that was in November 2020.

So this is the second stage of the review where we're looking at the funeral industry. To date we've already undertaken research, published an Issues Paper, taken written submissions on the Issues Paper. As part of that research, we also ran consultation including a consumer survey through the NSW Government "Have Your Say" website. And on the 13th of April we published a Draft Report together with 4 information papers, a technical paper and a draft checklist.

So the purpose of today's meeting is for you to be able to provide feedback on the Draft Report and Findings, and ask any questions or ask for any clarification, where you would like us to talk to explain the issues more.

You can also express your comments, views and responses to the Draft Report through making a written submission, and the date for written submissions is the 14th of May. So if we could get them by the 14th, we'd really appreciate that.

If any comments occur to you during the presentation, we ask that you type into the chat box to indicate that you would like to speak, and we'll then go to you after the presentations. If you can type in your name, and the organisation that you're from, then that will help us to be able to come to you. And just like to make it clear, that everybody this is a public hearing so that everybody including the media is free to report on what is said here today. I'll now hand over to Jennifer Vincent from IPART's Secretariat to give a short presentation on our Draft Findings and Recommendations.

1.2 IPART Secretariat presentation

Ms Vincent: Thanks a lot Deb.

As we said in our Draft Report there's no doubt that organising a funeral is unlike most consumer decisions. People organise funerals infrequently, they've got a short time frame to do it, and it can often be done during a stressful and emotional time.

Also because death is a sensitive topic, people can be reluctant or unwilling to obtain quotes, compare funeral providers or request discounts as they might with other occasional high-value purchases.

We also recognise that funeral providers are working in difficult circumstances, providing vital services, and dealing daily with subject matter that many people would prefer never to face.

The aim of our review is to enable people to make informed choices about the kind of funeral they want at a price they can afford.

And we note that most people are satisfied with the funerals they purchase, and formal complaints are few. However, people told us that the process of organising a funeral can be confusing, and that more information would help.

In both our research, and other research we reviewed, we found that where people have concerns about a funeral they have organised, it is most likely to be about the price and about understanding what they were getting for that price.

We reviewed funeral provider websites and found that many are not providing all the information they're legally required to display.

And we responded to this with a draft recommendation that NSW Fair Trading takes steps to improve compliance with the funeral information standard by taking enforcement action where necessary. We also recommended some clarification be added to Fair Trading's existing FAQs about the information standard, to support funeral providers in their compliance.

We also reviewed Government websites which had information about organising a funeral and while we found that some information about organising a funeral was available on several government websites, there was no single comprehensive source and there was opportunities for information to be presented more clearly and more consistently.

As a result we've made draft recommendations about consolidating the information available to a single comprehensive site on the NSW Life Events page, with links to other relevant information. And also that the Government optimises websites for search engines to make information about organising a funeral easier to find.

We've also recommended that NSW Fair Trading develop a consumer guide to help people become smart shoppers when it comes to funerals. We've developed a sample checklist which we are consulting on as part of our Draft Report.

During our review we found that some people have been calling for more regulation of the industry. However, we found that the current level of regulation is appropriate and fit for purpose. We found that consumers are generally pleased with the quality of funerals they are getting, without a need to regulate further for that quality.

We also consider that it's more effective for different aspects of providing funerals to be regulated by different regulators, as they currently are. So health aspects should be regulated by NSW Health, consumer aspects by Fair Trading and the ACCC as they currently are and financial elements be regulated by financial regulators.

However we found that existing regulation to address information gaps around price would be effective if enforced and as a result our draft recommendations to address these findings are that Fair Trading continue to audit funeral provider websites for compliance with the funeral information standard, and commence enforcement action where necessary.

We also noted that the Public Health Regulation is due for statutory review this year and we think that that is an opportunity for NSW Health to review the funeral provisions in the Public Health Regulation to ensure that they are continuing to meet their objectives.

We also looked at ways to pay for a funeral, which has certainly been the cause of many complaints and observations about undesirable behaviour in the past. And the Banking Royal Commission has also looked at ways to pay for a funeral, and made recommendations, which were then taken up by the Federal Government and have now been legislated to address concerns about funeral insurance, and other ways to pay for a funeral. So as a result we haven't made any further recommendations about regulating ways to pay for a funeral.

But we have recommended that NSW Government websites include information about that enhanced financial regulation, and about consumer rights and responsibilities with respect to funeral financial products. And that Fair Trading prioritise consumer education about funeral insurance and funeral products so that people are aware of those changes.

We looked at competition between funeral providers and we did that because robust competition provides consumers with plenty of choice at a range of different service levels and price points. And competition between providers also makes it more likely that consumers will be charged a fair, cost reflective price, for the services that they purchase.

To understand the level of competition in the market, we analysed the structure of the funeral industry, and the number of providers by the geographic area. We found that most people in NSW have reasonable choice when purchasing a funeral.

This map shows the distribution of funeral providers across NSW, colour coded by the number of funeral homes per town. The green dots are towns with more than 10 funeral homes, and then the black dots are towns with one funeral home, with the other colours indicating the range of numbers of funeral providers in between.

We know there are quite a few black dots on the map, which is where there's small towns where there might only be sufficient demand for one local funeral provider. But we consider that the possible entry of new providers is likely to keep prices fair and ensure quality of service. So we didn't consider that a competition concern. We also note that funeral providers may offer services outside their immediate geographic location and that's particularly for no service, no attendance funerals.

We looked at the cost of doing business for funeral providers, and we did that by seeking information from a range of different types of funeral providers. And we thank those who provided us with that information.

We looked at that data and we found that organising and conducting a funeral takes on average around 28 hours of labour, with a range from 15 to 43 hours amongst the people who responded with information. The industry research group IBISWorld world estimates that 34% of the costs of providing a funeral are labour related, and that's the largest cost category.

IBISWorld also considers that funeral directors have relatively low start-up costs because they're not asset heavy businesses. And in looking at the range of business models, we found that this can affect the treatment of costs depending on whether items such as mortuaries and hearses are capital costs, or contracted in as needed.

When we looked at prices for funerals which we did by taking the price information from websites which is where it's now required to be displayed per the NSW Funeral Information Standard.

We found that most funeral providers offer a range of funerals with different price points. These include No Service No Attendance (NSNA), funerals with a funeral service or ceremony, and premium funerals. And we found that consumers should be able to purchase a funeral that meets their needs at a price they can afford, by comparing the range of options available.

We found that typically an NSNA cremation is around \$3,750 but can range from less than \$2,000 to around \$7,000. And a standard cremation with ceremony package is typically around \$6,100 but can also vary widely depending on the funeral provider.

And we note as has been submitted by the industry that, while you can describe a funeral by type as in a standard cremation with ceremony, that funeral providers are able to differentiate the service and inclusions that they are providing for, within that package.

And we also note that the prices that we show here are for funerals with cremation, and do include cremation prices, but don't include burial or interment right prices, which are charged by cemeteries and can vary considerably as we found in the first stage of our review.

We also found that one of the most expensive elements of the funeral is the professional services fee, but noted that this isn't required to be itemised as part of the Funeral Information Standard. So we recommend that the funeral information standard be amended to include the professional services fee, as one of the itemised prices.

That concludes my high level overview of the draft findings and recommendations in our Draft Report which is available in full on our website with associated information papers, a technical paper on competition and our draft Checklist. And with that I will hand back to Liz.

Ms Livingstone: Thanks very much Jennifer, and we do have another presentation from Government now from Fair Trading. So I'd like to invite Valerie if she's here, as well as Maggie Phang to make the next presentation. Over to you Valerie and Maggie.

1.3 Key stakeholder presentations and discussion

1.3.1 NSW Fair Trading

Ms Phang: Hi everyone and thank you for taking the time today to come to this public hearing. My name is Maggie Phang, I'm the Director of Regulatory National Reform in the Better Regulation Division (BRD) of the Department of Customer Service (DCS).

Ms Griswold: Hi everyone my name is Valerie Griswold, I'm the Executive Director for Investigations and Enforcement in the Better Regulation Division which encompasses NSW Fair Trading which is mentioned within the report

Ms Phang: Thanks Val. We're here today to give a brief presentation about the Funeral Information Standard that Jennifer just spoke about, and to talk through what we're doing around compliance activity in relation to that, and some initial reflections on the draft recommendations in the report that Jennifer also just summarised.

So just next slide thank you. So very briefly for those who may not have or be as familiar with the information standard as we are. A new standard for funeral goods and services commenced in February last year and its purpose is to increase price transparency for consumers in three ways.

The first one is to ensure that funeral directors display on their website, and at that place of business an itemised price list for goods and services that they're offering in relation to burials and cremation.

They must also disclose the price of the cheapest available funeral package.

And lastly before entering into an agreement with their customer disclose an itemised price for each part a particular good or service that will be supplied to them under an agreement. The cost of any disbursements, and also the total amount payable under the agreement.

This information standard is mandatory and it does apply to all funeral directors operating in NSW.

I'll hand over to Valerie now to talk through the compliance activity.

Ms Griswold: Thanks Maggie. Well in February 2020, we had planned to roll out our funeral industry operation educational program for the revised Funeral Goods and Services Information Standard that Maggie just spoke to. Unfortunately it was due to the bushfire emergency situation at the time, which was then followed by COVID-19 that we were unable to conduct the program.

Our timeline had to be adjusted in the spirit of cooperation with businesses and as a result of industry representations, from those who were affected by the catastrophic fires. And so the Better Regulation Division of the Department of Customer Service issued a Statement of Regulatory Intent that Fair Trading would take into consideration if a funeral business was unable to comply with the new laws because of the impact of the bushfires.

And then unfortunately of course COVID-19 hit the world, and once that pandemic hit, our plans for the widespread education program, after that period of time had to also be shelved. And we had to ensure compliance in all of our enforcement with the public health orders. And of course you'd be aware that physical inspections of funeral premises was just not possible. So if you could go the next slide, thanks.

So commencing in February this year, so 2021 we have engaged with over 500 traders in the funeral business. We've made great inroads into the industry and the people involved in those businesses. Our consumer protection investigators contacted individuals and informed them of the revised standard, and informed them that it commenced back on 1 February 2020.

We provided them with the standard and actual copy of the standard, but also with the draft funeral price list template, to help them comply with the new standard, give them an example of how they could comply. And then also gave them what we recommended as responses to frequently asked questions.

The response was extremely positive and the process included those traders who had actually been the subject of previous complaints. And so we follow, I'm sure most of you would be familiar with it, the enforcement period pyramid. And so it's our aim first and foremost to work with businesses and consumers to educate them and enhance compliance and understanding what they're actually required to do.

As you noted in your report complaints are quite rare in the funeral industry, so we were looking to educate and then looking to potentially warn or take other enforcement actions such as penalty notices. And in the more serious cases prosecution.

So our next steps will commence later this year for that second phase, and then we will look at non-compliance and determine its seriousness and its detriment to consumers. Any compliance issues will likely be followed up with warnings, possibly formal warnings.

And phase three which will be a further compliance program to occur in early 2022, we'll be looking at any traders who were non-compliant in phase two and at this point I would anticipate penalties being issued, possible prosecutions, depending on the type of activity that is being not complied with. And any anyway that's what we've done so far with regards to the existing information standard, and I'll pass it back to Maggie.

Ms Phang: Thanks Val. So in terms of the draft IPART recommendations, we do note that a number of the recommendations relate to information standard in a number of respects. Firstly around improving public information that's available, both for consumers but also funeral operators on government websites, recommendations relating to improving compliance with the standard and also suggestions around how the standard itself could be further improved through amendments.

We think it is important that Fair Trading continues with the compliance program that Valerie just outlined, following through to the end of phase three, looking at the existing information standard. Part of that is to ensure that there's no confusion in the marketplace both for businesses and consumers, while that activity is still underway.

In terms of the improvements to public information, there's always room for improvement for that and so we would be open to looking at how the Fair Trading website could be further improved. Particularly clarifying key concepts around the information standard and then in future being informed by those two sets of activities, looking at whether further amendments to the actual information standard itself could be taken forward in the future through further updates.

So really it's recognition I suppose as Valerie has said about the unusual year that we've had since last year, knowing as well that the standard has only really been in place for 14 months so far. So that's the end of the presentation. Thanks for your time and over to you again Liz.

1.3.2 Discussion

Ms Livingstone: Thanks very much Maggie and thank you Valerie. So we've had presentations that highlight IPART's recommendations and give you a bit of an update on where Fair Trading is at in terms of the relatively new regulations that funeral providers are now required to comply with.

If you have any questions or comments about either of those things please let us know, you can type your name and the organisation you're from in the chat box and we'll come to you. We don't have any questions yet, so I might just check with Tribunal Members whether they have questions of Fair Trading or other stakeholders to kick us off.

Ms Cope: Thanks Liz. I do have a question of Fair Trading. In our Draft Report we've included a checklist, which was an attempt to try and address some of the provide information in a way that was accessible to people.

We would be interested in your view about whether you think that is useful and whether the sorts of things that are in the checklist, are the sorts of things that through your work you've identified are important for consumers and gaps in consumers understanding.

Ms Griswold: Sorry it was all about finding that unmute button. Yeah I think I saw the recommendations, I think certainly the customer or consumer information across various websites might be something worth looking at. As well as I would take on board or at least have a discussion with other areas within BRD and Fair Trading about the consumer guide.

And I think most of them appear to be relatively reasonable, but also a number of the things go across agencies, which would require that collaboration and some working with other agencies to ensure that we're all on the same page, and that the information that we have is sufficient to inform consumers about what the standard is, and how they can how they can comply, and how consumers can protect themselves. I always focus on the fact that I believe the more that we inform consumers, the more they are protected and are able to deal with situations such as this.

Ms Livingstone: Thanks very much Valerie, and just a reminder if you pop your full name in the comments box, that just helps me come to you when you have a question or comment. Karen Appleby from COTA has a question. Karen would you like to ask your question?

Ms Appleby: Yes, just in regards to when you conduct your audits of compliance with traders. Is that information about who has maybe not been up to scratch, is that publicly available on the website or anywhere else?

Ms Griswold: Information about complaints that are raised are typically not available, unless they meet the thresholds that relate to the complaints register, which is available to the public. And that is a discrete number usually at the top and not, given the amount of complaints about funerals, I would be very surprised to see anything up there.

Other than that, unless it's an actual, becomes a matter of public record through a prosecution, I would say most of those matters are not available because they don't meet the thresholds of evidence that would be required for that to be made public.

Ms Appleby: Is there a general, when the audits are completed for example, of having the mandatory pricing available on the websites, is there, can a percentage be provided for example to say that you know 60% or 70% of providers were actually including that information on their website. Just to get an idea of whether the industry is adhering to requirements.

Ms Griswold: I think I could probably go to our operations area to determine that, but my understanding is a very high percentage were compliant, and it was very rare to find a non-compliant funeral operator within the industry. But I could check on that for you, but I think the numbers would be quite high.

Ms Livingstone: Thanks Karen and Valerie. Jen you've got a question about the Royal Commission recommendations and the timing for implementation. Do you want to ask that question, and it's possible someone in our team may have that to hand or we might have to get back to you. But if you could let us know what you're keen to find out, we'll follow that up.

Ms Hickey: Thanks Liz. Yeah look I was just interested in relation to the payment recommendations and the difference between the Issues Paper and the Draft Report and the Banking Royal Commission sort of covering the field on protecting that. Just wondering whether there's any update to where they're up to with that, that's all and I know it's the Commonwealth.

Ms Vincent: I can answer that one. So the legislative changes have been made so one of the chief ones was no longer permitting people to sell funeral insurance products, without a financial services license.

But yes, I think as we said in our report the issue is getting that information out to people in the community, so that people are able to know that there are now these protections available, so that if there are people continuing to try to sell dodgy products, that there is action that can be taken against them, and that the consumers have rights to walk away from these situations, or if they are you know dealing with a product that's potentially illegal, understanding that that sort of protection is now available, so yeah education's a key part of that.

Ms Livingstone: Thanks Jen. And Michael McKay you've got a question.

Mr McKay: Yes sorry about that. Firstly, just with the Fair Trading, I think it's really important when we discuss all this that we discuss it on fact and not hypotheticals. So with Fair Trading I don't understand why Fair Trading have based a number of their findings on 168 complaints out of nearly 360,000 deaths. Now out of that it actually works out to be a percentage rate of 0.001% of complaints in NSW. So I think it's really important that we get away from hypotheticals and what everyone else is thinking. As for 500 traders in NSW, there's only between 650 and 700 funeral directors Australia wide. So I don't understand how you can be dealing with 500.

And then back to customer surveys, one thing that needs to be clearly made right now is that when you interview in regard to funerals, are you actually dealing with the person that is arranging the funeral, or a family member. Totally different scenario between a family member and the grantee of a funeral. And this is where a lot of these findings get away from fact, because they're not dealing with the actual person.

When we inquired about the 168 complaints to Fair Trading, while we were with them at the meeting, they noted that they actually didn't know what those 168 complaints actually were. So once again I think it's really important that any findings from today, are based on fact not hypothetical and the truth thanks for that Liz.

Ms Livingstone: Thanks Michael, would you mind sharing just which organisation you're from for the benefit of the group?

Mr McKay: Yep an independent trader.

Ms Livingstone: Thank you, and I might ask both Tribunal and Fair Trading if they wanted to comment on any of those issues that Michael raised.

Ms Cope: Just probably to say first, so thank you for your comments Michael. And the issue about there being a very low number of complaints is something that we have reported in our report, and the fact that our work has indicated that people are pretty happy with the quality of service that they get from their funeral providers. And so that's not at all what this report is about because we've said very clearly in it that people are generally happy with the services provided. But when we asked them there were two things that they were having difficulty with one is they found the process confusing, and I suspect dealing with the people that come into your business, it's a difficult time for them, and it can be a bit confusing. And then the other thing was, understanding what they're getting for that price, so they were the two things that would be told to us.

Mr McKay: Okay thanks Deborah. But once again I think it's important that you're not dealing with the person that arranged the funeral, you're dealing with a second party where it's been explained to again. I can guarantee that families walk out of funeral homes, that have sat with their director, exactly clear on what arrangements have been made and what costs, and when it's passed down to another family member second or third hand, that is when it does get confusing. Thank you.

Ms Griswold: There were a number of comments about Fair Trading in there, so first of all I'm not quite sure what the hypotheticals are being spoken to by you, so I'll just leave that there. We have provided factual basis for what we have reported and what those slides were about.

And I'm going to, one of the people whose listening on the line is my director Steve French who was in charge of this entire campaign, Steve if you could answer to the 500 number which is apparently being called into question and then throw it over to Maggie about the rationale that would be great.

Mr French: It's Steve French here, I'm the Director of Investigations and Operations and this particular education campaign fell under my responsibility. So the correction here is there were over 500 engagements, so therefore we could have had or we did have more than one engagement with a particular trader, and that's how we record it on our system. So each time that we have the contact, our contact note and what we did is record it on the system. So that maybe clears up that misunderstanding. And as I say it was the first phase of this, was an educational campaign, so it wasn't looking at instituting enforcement action, it's educating the industry and it was conducted over a period of almost 6 months. We commenced the campaign in September 2020 and it finished early 2021.

Ms Phang: Thanks Steve. I can talk very briefly to the rationale for why we have the new information standard in place. So yes in terms of the number of complaints that is true, and we did also look into that when we were gathering evidence around the need for greater price transparency. That wasn't the only source of research and analysis that we relied on.

We did do stakeholder consultation with consumer groups and also looked into what other jurisdictions had done and research that was available. And there was a consistent view that price opacity was an issue that consumers were challenged with, and so through a regulatory impact statement process, we came to the conclusion that the changes which you see in the information standard as it is right now, would address some of those issues. And I think it seems that the analysis that IPART also did led to similar conclusions too.

Ms Livingstone: Thanks very much Maggie. Paul Versteege from the Combined Pensioners & Superannuants Association has a question going back to Fair Trading's compliance program. Valerie you spoke to this a little earlier but Paul would you like to ask that question now.

Mr Versteege: The compliance program that has been discussed here and presented is the first time I heard about a compliance program. I think it would be beneficial for Fair Trading to be more visible to consumer organisations, and to signal to them, not really when, but what they are going to do to enforce compliance with the information standard. My feeling was that they weren't doing anything so, and you're doing quite a bit that's the point I'd like to make.

Ms Griswold: Yeah that's a great point Paul and it's something that we're happy to look at. I think we did make some efforts to get this into the media. I'm not sure that there was that much interest, but certainly it's a good point to make because with social media which we have a Facebook page, and things like that. We could certainly ensure perhaps intermittent rather than when you know, on one occasion we might put something in about that, but perhaps intermittently throughout the compliance campaign, we certainly want people to be aware of what we're doing, especially when we're doing a lot in the space. So that's a great point. We'll take it on board, thanks Paul.

Ms Livingstone: Thanks Paul and Valerie. Russell Allison has a question for Fair Trading as well about a potential register of funeral directors, Russell would you like to speak to that?

Mr Allison: Certainly and I'd echo Paul's comments about the good work that's being done. All of you would be aware there are multiple funeral directors associations in NSW which only list their own members. There are also multiple companies that trade under a variety of names which creates the impression that they're competing with each other, and I just wonder why Fair Trading couldn't actually create a register of funeral directors which provides an independent listing that can be accessed by consumers.

Ms Phang: Thanks for your question Russell. It's an idea that's been raised before, and I think back in the day when we used to have the yellow pages and the white pages, and there was a list of readily out there of information, things have changed and moved on.

The challenge I think we've made with that type of list is maintaining its accuracy and currency. So I can definitely see the benefits, but there's also then that long tail-end for both consumers and businesses and ourselves as to how we actually maintain that as well.

Mr Allison: If I may, if cemeteries and crematoria are only accepted funeral directors who are currently registered with you, that would very quickly enforce the project.

Ms Griswold: Yeah I mean Russell listening to that, it's a great idea, just the actual barriers and ramifications of doing that, and the probably legislative change that would need to happen. And then as Maggie was saying, someone has to get the data, someone has to correlate the data, and work on maintaining it, becomes quite a burden.

It may be one of those things where perhaps if crematoria's took that on their on themselves as to only deal with certain members of the cemetery community or sorry the funeral community. We get a lot about why are you know doing more in the in this space, rather than less, because it's a slippery slope you know to then requiring licensing or some sort of certification, which in and of itself is then another layer of bureaucracy.

So anyway I wonder if perhaps that's something that could be taken on within the industry itself and perhaps some sort of voluntary compliance with some sort of standard that's recognised by crematoriums or whatever you might suggest. But I do think it's a great idea that the reality of the situation is a little bit more I think burdensome, and then I think we get a lot of complaints from industry saying why are you regulating us, but I take I take your point to some extent as an ex-prosecutor, I kind of agree with you, but I'm just not sure how we would do it, it's probably a little bit more difficult or complex than it sounds.

Ms Livingstone: Thanks Valerie. I guess in a scheme like that too, you want to think about the potential impacts on competition, and just to make sure that people can promote themselves in all kinds of ways. Michael McKay had a follow-up for Maggie, Michael do you want to speak to that now?

Mr McKay: Thanks Maggie. Sorry about that, I just want to clarify something and once again when we talk about fact being fact. In regard to the rest of the reports that you guys did into our industry, it needs to be made clear that those reports that you delved in to were a report from an American, from America and a report from New Zealand, there wasn't actually any research done or reports from Australia, is that correct?

Ms Phang: Sorry just trying to find the unmute button myself.

Mr McKay: That's okay.

Ms Phang: Look I can just triple check that but from...

Mr McKay: You don't have to, I was at the meeting.

Ms Phang: Sure okay.

Mr McKay: So this is why we need to deal with things that are factual to Australia and to our industry. So let's keep it in Australia.

The other issue you have with crematoriums only allowing certain funeral directors in. Once again Fair Trading should be made aware of this, it's actually a breach of Fair Trading under the Crematorium Act. A crematorium facility must be made available to any funeral director, so that's where we you know, you need to get clarification. But I certainly agree with Russell, you know, a register would be brilliant. Thanks guys.

Ms Livingstone: Thanks Michael. Now we do have some people who've dialled into this meeting on the phone, and it's harder obviously for you to type a question in the chat box, so I just want to give you an opportunity now to speak up if you've got a comment or question, if you press *6 that will unmute you on the phone, so I'll just pause there to see if there's anyone on the phone who may have a question at this point. Doesn't seem like it.

Now there are a couple other questions that possibly sit a little bit better in some of our later sessions, so we will move on but we won't ignore those questions, we'll make sure either you have an opportunity to ask them after the next sets of presentations, or at the end when we'll have a final opportunity for any issues that haven't been covered.

But we will now move on to our presentations from consumer representatives so I'm going to invite Karen Appleby and Paul Versteegen from the Combined Pensioners & Superannuants Association to present to us now. Thank you Karen and Paul.

1.3.3 Council on the Ageing NSW (CoTA)

Ms Appleby: Thanks so hi, my name is Karen Appleby I'm the Senior Policy officer at Council on the Ageing. We're a peak body that represents people 50 plus in NSW. We're independent, we're consumer based, and we're a non-government organisation.

So an important part of what we do is consumer engagement and we do that through things like focus groups or surveys or just dealing with people day-to-day on the phone when they call us. We're also developing a peer education program at the moment that looks at planning ahead for older people, and that will include things like what to do when you need to organise a funeral, so we're very much across this topic next slide please.

So our submission was actually informed by a survey that we sent out to our members. We asked a number of questions and got back a wealth of responses from that. It's also informed by some research that we conducted in 2019 that looked at planning ahead, and there was also questions around people's attitudes to death and dying.

And we actually found that most older people thought that we didn't talk about death and dying enough in our society, and that actually impacted how people dealt with it when that situation arose. And we think that that's quite a relevant finding in regards to the funeral industry, because when people are not prepared, and they're not aware of the deceased wishes for example, then very often they'll maybe would just pick something that is easy for themselves, and not actually carry out the wishes of what person wanted that passed away. It's also obviously a very traumatic time for many people, and they're not really up for you know, doing research at that time. So that's why we think it's really important to educate people beforehand, and raise their awareness about different things.

We also have a legal pathways program which helps people on a pension for example connect with volunteer solicitors to do their wills, and we get lots of inquiries and lots of people's stories when they ring up about that program, and the research that was undertaken by Choice was also very informative and fit into our submission, next slide.

So these are the main sort of things that we focused on in our submission based on the feedback that we receive from our consumers. As was articulated in the latest discussion paper and recommendations, many people found it difficult to know anything about the funeral industry or what to do when someone died.

And as was articulated if you do a google search you do get an array of information there, so we do support the recommendation to optimise the google search, to make sure that the NSW page like the Life Page I think, it is sort of one of the first results that you get for that, and that we really want to emphasise the importance of easy English and describing how things work.

We also think it's really important that information about planning for a funeral is available in hard copy, and then that be disseminated to places such as hospitals, palliative care, solicitors, community organisations, libraries. Just so people can pick up a brochure and read about it before they actually need to use that service. I think it's really important just for people to be prepared and do some pre-research if they need to, before they actually have it in a very emotional time.

As I articulated earlier, we received a lot of feedback from people about the inconsistency of pricing on websites. We did our own mini audit of 10 funeral services available in Western Sydney for example, and we found one that was comprehensive in terms of listing their pricing. Five only provided high level package pricing, and four didn't provide pricing at all. So that was where my question to Department of Fair Trading came in because we actually found that it wasn't a very good sort of audit, and we've got concerns, that is consistent on other places as well.

The other concern that came up was around homogenisation of the market, so there was a lot of feedback that people actually wanted to support local Australian family-run businesses, but they felt that there was a domination of international corporations that weren't trading as such, so there's different trading names obviously, and that was really difficult to find on the websites, that they were part of a larger corporation. And there was concerns obviously if this domination continues, then that may impact consumers choice in things like what's available and pricing as well.

Other feedback was around variations to standard funerals can be challenging for people. So if they wanted to go outside the norm, it wasn't as easy a process to do, so there was a lot of feedback about things like eco caskets, and things like that. Or being able to decorate your own casket, and they're actually getting quoted higher pricing, than just a standard timber coffin. So it was sort of basically discouraging them from doing anything really different to the norm.

And in regards to funeral payment options, there was very widespread distrust and confusion around that. People had negative experiences where they'd pre-paid for funerals for example, and then being given additional costs after that, that weren't included in the original prepayment amount. Funeral insurance was people just wanted to avoid that at all costs, because they felt that was expensive and they just distrusted the whole funeral insurance industry basically.

So that's a bit of a summary of the feedback that we had from our consumers, and we broadly support the recommendations that IPART have provided in regards to addressing some of those, that's me.

Ms Livingstone: Thanks very much Karen and apologies if I confuse things when I introduced Karen and Paul, Karen is from the Council of the Ageing and now Paul is going to speak and he's from Combined Pensioners & Superannuants Association. Paul can I invite you to speak now thanks.

1.3.4 Combined Pensioners & Superannuants Association (CPSA)

Mr Versteeg: Yeah and it's a very long name, and even when you've worked here for more than 10 years sometimes you stumble.

Combined Pensioners & Superannuants Association has a long history doing consumer advocacy in relation to the funeral industry. The basic funeral which died, acquired death when the new information standard came in, was something that had to be pushed. So obviously Combined Pensioners is very concerned about what of funerals, particularly for low-income households. We have a lot of members who you know when one of the partners die, there is only an age pension to support them, and their income goes down and all of a sudden there is this cost of \$6-7,000 to bury somebody.

Going to the Draft Report which is what we're here for. We support the recommendations largely, but we have one I think important point of criticism and difference. We feel that the regulation of the funeral industry in NSW is very scattered, and that is reflected in the fact that information is not really centralised. There are recommendations to centralise it, but we think it can be done, probably better.

It is understandable that the regulation of funerals has sort of grown organically, and hasn't grown very much, because 168 complaints is not very much, not very many. Although of course here's always the tip of the iceberg theory. I don't think there are hundreds and hundreds more, but I do think that there would be more dissatisfaction with services delivered people just don't complain.

But I think that as a result of the industry being well regarded, regulators have become largely disinterested in regulating the funeral industry. And of course complacency is never a good idea, and certainly not in regulation.

And just as an example the funeral industry is coping with the cemetery problem, so entirely foreseeable that cemeteries at one point would fill up, but we continue to this day to bury people in perpetual graves, which means that once the cemetery is full, and there is no more money coming in, and no provision is made for the upkeep of cemeteries you have a problem. You have an unkempt cemetery.

The NSW Government response to that has been to create new regulator, this is what I mean by growing organically we run up against problem, and a new agency is drafted in, and it is of course the Cemeteries and Crematoria NSW, and they have only just made recommendations in their 11th hour report to clean up the cemetery mess.

Before the creation of the Cemeteries and Crematorium NSW, Fair Trading and NSW Health were the primary regulators for the funeral industry, you get the impression sometimes that they have a lot of other things to do and funerals are not really top of mind.

I mean as a result, for example as a result of the IPART media release, when the Draft Report was released, and it was mentioned that there was there's a lot of non-compliance with pricing information publication, the Minister responsible for Fair Trading suddenly announced a blitz, and to me it felt like okay this is going to be a blitz, which is short and sharp and then we're going back to you know, the complacent attitude. Now we've just heard from Fair Trading that they have in fact quite an extensive program, so that tempers my criticism.

We believe that it would be a good idea to have perhaps not a single regulator, but really a primary regulator and that regulator should be Cemeteries and Crematoria NSW. Then not surprisingly, the Cemeteries and Crematoria NSW, has recommended itself that that should happen.

But we agree there should be a funeral industry regulator that can actually deal with a funeral industry that is becoming increasingly consolidated and vertically integrated. There are many you know, the big players all have cemeteries and crematoria and also provides funerals. There should be a single regulator for that, a regulator that can understand the whole gamut of issues that arise as part of the funeral industry. But it would be it great if the Draft Report could be amended to show that IPART also recommends a single regulator for the funeral industry that concludes my comments.

1.3.5 Discussion

Ms Livingstone: Thanks very much Paul. There are a couple of questions which I'll come to in a moment, that were asked earlier that both our presenters have touched on, but before I do that, I just wanted to ask our chair Deb if she wanted to make any comments on some of the issues that were raised by those presenters before we go to the questions.

Ms Cope: Actually a quick question rather than a comment, I was wondering Paul if you could tell me, what did you what do you envisage that this new regular or this consolidated regulator would do, and what sorts of things are different, what difference would you like to see as a result of the different regulator.

Mr Versteeg: I think a regulator that is actually dedicated to the funeral industry, will have a greater interest in what the funeral industry does. Fair Trading has a lot on its plate and yeah it's got a lot of other things to do than Cemeteries and Crematoria would probably do better and be able to devote more time to, and particularly I mean a compliance program, ongoing compliance program, education programs but also the ongoing centralisation and of pricing information and consumer information about funeral providers and funerals. And of course their current function which is centred on just an aspect of the funeral industry, which is crematory and cemeteries. It seems strange to split that up, and it would be better unified.

Ms Cope: So some of the things that we've been trying to sort of think through with this is, you know partly, where do the synergies sit and I do understand your point that if you've got a single regulator with a single focus, they will have they'll potentially have greater responsibility in a particular sector, and not be diverted onto other things, I think is what the point that you're trying to make.

However if you're talking about consumer issues, there is another synergy there that I think we need to think about as well, and that is that there are a lot of things that we are trying to educate consumers about and an organisation that has a strong consumer focus and also already has a lot of those conduits into consumers, maybe able to more effectively reach people, than somebody that's setting up a bespoke system to educate on a particular topic.

So I think there are kind of a few horses for courses here, and we need to work out where the best synergy sits and how we can get the best outcome for consumers in this sector.

Mr Versteeg: Sure, but I mean the Draft Report notes that the information coming out of Fair Trading is not always consistent, and over the years, engaging with Fair Trading not all that often, but you do get feeling that they're not really interested, and I say it with respect to the to the Fair Trading representatives.

Ms Cope: I suppose, so what's your thought around, because we've now got not just Fair Trading do this, we've got the sort of new set up within NSW with the idea of one portal that everybody can go through for a broad range of information.

Because the problem that we found, I think was that there were, as you said, bits of information coming out of various organisations. And relatively recently, we've got a single state government portal. Which the concept, is you go to one place you can then get in, and get a consistent message.

And it's dealing with all bits of people's lives, not just the end of their life. So they're seen to us and the reason why sort of we've made the recommendation that we had, is that solving that coordination problem, might be better dealt with, by making sure the conduit that we've got for people to get all sorts of information about all aspects of their life, actually has a really strong focus on the end of life as well as other things, and is providing that information consistently and in a in a way that people can use.

Mr Versteegen: Sure but that doesn't preclude having a single or a primary regulator.

Ms Cope: Yeah and I agree I think the regulator's at a slightly different point, than the information. Okay, thank you, that helped.

Ms Appleby: Can I just make a comment Deborah in regards, the online portal is a great idea, and it's really useful for people that do have internet access and are internet savvy. A lot of older people aren't, so that's why I really want to emphasise the need to have you know a smaller version of that, in a handout for people because if the information is primarily available only online, then that's problematic.

Ms Cope: Yeah we've come across that issue in a number of the reviews we've done, you know when you talk about areas like bus services, and all those sorts of things that are accessed by a very broad range of people. You need to have multiple communication channels, I agree.

Ms Livingstone: Karen talked a little bit about disclosure of information about funeral directors, which I think Nadine your comment goes to, do you want to talk to that about funeral directors disclosing whether they're part of a larger group.

Ms Phipps: Yes, thank you. My comment was just because I do deal with a lot of people you know at the cemetery, sometimes even when someone has just died they call us to find out what they should do next, and of course we recommend they get in contact with the funeral director. But frequently they're not aware that multiple funeral directors, they might be thinking of contacting are actually all part of the same you know umbrella group, and you know I think that's the important thing that should be disclosed, to help them make a choice.

Ms Livingstone: Jen, sorry I didn't see your hand raised before, and you might have wanted to comment on the discussion Paul and Deb were having about the regulator, so we will step back into that issue and Jen who's from Cemeteries and Crematoria NSW, could you speak to that thanks.

Ms Hickey: Thanks Liz and thanks Paul for those comments too and Karen. I just want to say that in terms of those recommendations about educating people a bit more, we do work really closely with Fair Trading and have stepped that up in more recent times as well and with health as well. So I'm making no comment on the recommendations, because they're still under review, but yeah we're very conscious of trying to work more closely with Fair Trading.

Ms Livingstone: Thanks Jen. And Armen Mikaelian from Catholic Cemeteries, you've got a question there and I'll get you to ask it, and we'll work out who might be best placed to respond. Armen if you'd like to speak now.

Mr Mikaelian: Yeah thank you. Actually it was a question before Paul spoke so, and as Paul mentioned you know in the 11th hour report, the recommendation is actually for the funeral and cemetery crematory to have one regulator, and when you think about it makes a lot of sense. Every funeral service is provided by the funeral director and the services provided by the cemetery and crematoria sites, so it does make sense, but I guess my question a bit was going to be, does IPART or Fair Trading have a view on that recommendation in the 11th hour reports?

Ms Cope: I could probably take that from IPART's perspective. When we looked at changing regulators and shifting functions to a new regulator is not a simple or inexpensive thing to do. And we thought that in order to recommend that, we would need to identify a significant problem that we needed to solve, because you don't want to just make change for change sake.

And so when we looked at the industry and the nature of the complaints and what the problems were, we didn't find a big problem that we thought at this stage needed to be fixed. The problems that we found were things that we thought there were already the mechanisms in place to deal with, they just needed to be activated a bit more strongly. So that's the reason why we got to where we did was because, when we looked at whether there was a problem that would warrant change we didn't find a significant problem at the moment.

Mr Mikaelian: If I can just make one more comment on that. The whole idea is to make life easier for the consumer when they need our services, funeral director, cemetery or crematorium. We don't always have to wait for a problem to occur to do something that makes logical sense.

If you think it makes logical sense then, you know we need to talk about that we don't have to wait for a problem to occur before we do it. And if it makes life easier for the consumer that should be our number one focus. Cost yes, but if it's going to make it easier, why aren't we looking at it.

Ms Cope: So how would you see that that would make life easier for the consumer?

Mr Mikaelian: Well one of the outcomes we're trying to achieve even on the funeral side of the review is that, to have one area one portal so that the consumer can go to, even if we achieve that. At this stage, if the consumer wants information on the funeral side, and the cemetery/crematoria side, now they've got to go to two or three different places. If it's all under one regulator, everybody knows that's where they go for information on funeral and cemetery/crematorium that's a great starting point.

Ms Cope: I'm just wondering whether one of the team would like to sort of describe the sort of NSW Government portal, and how that works for the Life Matters?

Ms Vincent: And I think this goes much more broadly to the way governments do regulate and interface with the community. And the current government is very much focused on making things simpler for the consumer, and having you know one point of contact for the consumer, or the idea that a consumer only has or a citizen, somebody wanting services from the government, or you know being required to report something like a death, only has to do it once, rather than going around to lots of different organisations.

But there's different ways of doing that and I mean one model is obviously having a single specialist subject regulator, so you know having a funeral on cemeteries regulated that deals with consumer matters, and health matters, and financial matters. But that's not the only way to do it, and I think that the government's currently focused on it doesn't matter so much what the back end looks like, what the consumer cares about is how they interface with it and that is why the government's been working on having a single internet portal, where there can be information either from different government agencies or convey two different government agencies, and one part of that is the Life Events page.

And I'm hoping my DCS colleagues might jump in here if I'm getting things wrong but the idea there is where there are significant things that happen to all people, or most people over the course of their lives, one of which is dying and having to make arrangements for what happens after someone's death, that all the information that you need and all the contacts that you might need to make, are available through a single portal, and the back end can be multiple different organisations.

So you can still have you know particular areas of expertise because I think certainly CCNSW as currently constituted, doesn't have people who are experts in public health or environmental health, and if they were to take over those responsibilities, they would be having to develop those areas of expertise that already lie in in other organisations.

Ms Livingstone: Thank you Jennifer. Now there are some other questions, I am going to ask that we hold those over we will come to them, but we also want to hear from some industry representatives, who've prepared some presentations for us, so we'll move to those now, but I haven't forgotten your questions or overlooked them. We'll get to them. I'd like to invite Asha Dooley from the Australian Funeral Directors Association to present now. Thanks Asha.

1.3.6 Australian Funeral Directors Association (AFDA)

Ms Dooley: Thank you and thank you for inviting us to speak today. Firstly who we are so I'm Asha from I'm the General Manager of Grace Funerals and Blue Mountains Funerals, but today I'm representing the AFDA which is the Australian Funeral Directors Association, and we're the national peak body for funerals representing over 60% of all deaths in Australia. And we are Australia-wide so we've got a representation in NSW but also in every state and territory across the country.

Our key objective is that we'd like to optimise the funeral experience, to ensure quality for the community and most importantly to enhance and promote professional standards. Next slide please, thank you.

Firstly we'd like to thank IPART for its very balanced and fair review of the industry. We know the efforts that you went to collaborating with the industry. I know that I had a team come to my business for a period of time, and I believe that there were other businesses that the team went into and we really appreciate the effort that you went to understand the industry, to put the report together.

We also feel that it was a true representation, I know the number of complaints have been discussed a lot today, and so the complaint level is quite low across the industry and we like that that did come through in the report.

In terms of the information standards the AFDA NSW members have 100 compliancy in terms of the display on the website, and we also support the draft recommendations to increase transparency and the enforcement of proper information and regulation.

Just a little bit of feedback, and I just note that there's a slight correction I need to make to our slide. We just like to make to note as it's already been pointed out, that the IPART review was actually a statutory requirement, part of a 3 year sorry not a 5-year but a 3-year requirement.

And the reason we'd like to point that out is because, we'd just like to make note that it's not that our understanding is that this particular review, has not come up because of increased scrutiny in the industry. So for example the Choice or the Four Corners articles and it's not come up because of high levels of complaints. It has come up because it's a statutory requirement for that to have happened at this time.

We would like to ask for one small amendment just on page 11 of the report, there's a blanket assertion that and it says most expensive item in the funeral is usually the professional services fee and the coffin. In particular, on page 11 it's not specified that cemetery fees aren't included in there, which can make up the bulk of the cost.

Other things that could be more expensive than the professional fee for example could be catering and wake after the service or even monumental masonry work, but if we could have it noted that on page 11 specifically that that isn't including those items.

I know it's been discussed a lot today, we also do support the recommendation and the creation of a register of who's operating in the industry. It's very difficult to put any regulation in if you're not sure who you're regulating. And as we know with the rise of say death doula and celebrants operating as funeral directors. We would urge and ask that a register is put together so that we know who is operating as a funeral director, so that everyone can be put on the same level. It doesn't seem to be fair that certain people because we say we're funeral directors are regulated and other people who operate in the exact same manner but call themselves a different name, do not have the same regulation processes.

In regards to the report as well, the checklist has been brought up, and we're fully supportive of additional information. We'd just like to make sure that the information that is put up doesn't confuse members. One of the recommendations has been that on Birth, Deaths and Marriages the authority to transfer a deceased form, from a hospital.

If put up we would be concerned that that might cause additional confusion for families, thinking that they could transfer deceased from a hospital, which to be honest legally they can, but if you know what vehicles would they be using and how would they be doing that. We'd want to make sure that any information about a family being able to do certain items themselves is very clearly explained as to what the specific steps and processes would be so as confusion is not caused for the consumer because we're with you, we fully appreciate and respect that transparency and the information flow needs to come out to our consumers.

A couple of other things that have come out today is, you've been talking about information particularly printed information, I think from CoTA was asking for printed information. Just as a side note, I know the AFDA already has several leaflets and pamphlets that have been prepared and I'm sure that they'd been more than happy to share that information with you, to make sure that that could get out to the public if needed. I think that's it from us so thank you very much for having us today.

Ms Livingstone: Thanks very much Asha. We will move straight into the next presentation, we've got four from industry, and then we'll open back up to questions. But Andrew France from the Funeral Directors Association, could you present now, thanks Andrew.

1.3.7 Funeral Directors Association

Mr France: Yes thank you. Look I'll try to skim over a couple of things I've got a few notes but there's been a few things covered so excuse me if I sort of jump around a bit. But obviously thank you to the guys from IPART for allowing us the opportunity to comment on this review.

My name's Andrew France, I'm actually the President of the Funeral Directors Association of NSW, to shorten it we just call it the FDA. I'm a third generation funeral director and you know I've got more than 30 years' experience.

Now just as a bit of background, our association represents mainly funeral directors, but as well you know, there's some cemeteries and crematoriums. There's quite a few what we class as industry suppliers and other ancillary organisations who service the industry and service funeral directors in many different ways.

Our funeral director members range from very small one or two person operations, often husband and wife sort of teams, to some much larger businesses consisting usually of several family members working within the business and employing a range of different staff. And sometimes they serve the community from several different or multiple locations as well. Many of our member funeral directors however, they all share the common thread that they are all multi-generational family-owned businesses. So they've sort of worked within their communities, and historically for many years, for a few to several generations some of them.

Now I'd just firstly like to make it clear that none of our members are disputing the importance of price transparency. And a lot of what's been spoken about in general transparency of the industry, and how things work, so to speak, in general. But particularly price transparency, I just want to talk about a little bit because that seems to be the quite frankly, the way things are headed with the Funeral Information Standard from Fair Trading or the intent, is probably a better word, I'm sorry.

So look even in my personal case, since well before the time of my grandfather, who purchased our business back in the 60s. We have records going back to the 1880s when the business started, and those records actually show copies of written quotations given to families outlying all the costs that they would have to pay for a funeral. Now bear in mind too that's just not the funeral director's cost, it would be the cemetery cost and I've also got no idea what they did in the 1880s, maybe flowers or whatever else.

So several years ago NSW Fair Trading they formalised this requirement. I should have touched on, look that practice what I was getting at with there, the practice of providing quotations has been commonplace in industry for 100 years. It's been an expectation that people would come in and get a quote and they would then know what they're up for, for the type of service they wanted. They could then change it, alter it whatever the case is.

So NSW Fair Trading effectively formalised this requirement, and that required any funeral directors who sort of weren't falling in line, and particularly with our association, since our association's inception, it's been a requirement under our code of ethics for funeral directors to provide an itemised written quotation. But it provided or effectively forced those funeral directors not aligned with our association or any association, to fall in line with the general practices industry standards.

And even to this day funeral directors regularly provide quotations when requested. They always, well they always should be doing it when a family does come into arrange a funeral. They're doing it all hours of the day and night, and as I said before, these quotations they not only disclose the funeral director's fees and charges. To the best of the funeral director's capability, they'll include anything else that's involved in a funeral, and trust me these days, there's quite a lot of things, quite a lot of segments to a funeral.

Now I just want to make it clear that despite what is seemingly the perception from some government departments, each and every funeral is different. Every person we deal with as a funeral director is different. They have their own individual characteristics, their own personalities, their own perceptions on what they want, and obviously their own needs and requirements. So every circumstance as well, surrounding someone's death in the funeral that they want is different.

So each and every person we care for, is going to require a different combination of the literally thousands of options available to them. And some of these options as I said before, they may be provided by the funeral director, some are provided by a third party, but in all cases the funeral director effectively takes responsibility for providing them and they have to provide an accurate costing to the client in advance, for what they're after.

So I'm assuming nobody is more or less disputing the importance of a funeral service, it's the traditions relating to funerals obviously have been around since the year dot. Obviously they change over time, people's needs and requirements change and alter.

But our association, the FDA it's frankly we're staggered that NSW Fair Trading continues to exert similarly its pressure on the general public, by implying that all funeral directors are the same or all equal and all funeral services are the same, by requiring funeral directors to list their most inexpensive options, within the Funeral Information Standard. It's effectively setting a benchmark, where the public believes that all funeral directors are providing an equal service.

Perhaps more importantly it's sort of implying that a funeral service is not the preferred option for most of the population, because quite frankly the least expensive option for any funeral director is going to be what we refer to as a direct cremation or a No Service No Attendance option, meaning that there's no actual funeral service, there is nobody being present, no family or friends, and the cremation just simply occurs and the ashes are returned to the family.

So by requiring this option as part of the Funeral Information Standard we feel as though Fair Trading is inadvertently dictating to grieving families that no other viable options may exist for their funeral service, or there's no real reason to have a service at all. And that's really concerning to us as an association.

There's no denying the fact that direct creation is an option and it's a viable option and it is the option that some people choose and that's perfectly fine, but this option is nothing new. It's been around for many, many years. It's been chosen by people for many, many years. It's always been you would say the least expensive option and as funeral directors, we've discussed it with families for many, many years. They've known it's been an option for them.

The simple fact is however that the overwhelming majority of people don't wish to have this sort of service, they want to have something that's tailored to suit them. And that may be something as simple as your traditional funeral service, it may be very complex service, it may be a direct cremation and they do something with the ashes afterwards.

But the overwhelming majority of families want to do something and they want to personalise whatever they're doing.

Ms Livingstone: Thanks Andrew, can I encourage you just to quickly make any other key points. I'm really conscious that we've got other people lined up to speak. I'm sorry to cut you short, but I don't want them to miss out either, thank you.

Mr France: Okay, well look probably a couple of things are going to be that, where the third party options, effectively what we're going to talk about was, it's almost impossible I would say it is quite frankly impossible, to list every option available and price it accordingly.

Now I'm a funeral director, I have looked at other funeral directors Funeral Information Standards or their pricing. I can't work out what those funeral directors would charge for some of the funeral services that we provide. I would have to ring them, discuss it with them, and get a price, and that's how things have been done for so many years.

So as an association, we want to reinforce that we have big concerns of how Fair Trading are heading, and we stress with IPART that we feel as though it's impossible, to actually for any funeral director to give a complete overview of their pricing, and what their services entails or what their offerings entail. Because it will all vary depending on what people want.

Ms Livingstone: Okay thanks Andrew, and again sorry to hurry you along, but we need to quickly get to these last presentations, and we have a backup of questions as well that we want to get through by 4, but very much appreciate that insight and perspective from you.

Thank you. I'd now like to ask Jennifer Briscoe-Hough from Tender Funerals to give us a short presentation, thanks Jennifer.

Ms Briscoe-Hough: Hi everybody. Look thanks very much for the opportunity, and I really appreciate it. I'll just tell you, Tender Funerals is a not-for-profit funeral service and we operate in Wollongong, and we are in the process of assisting other communities around the country to begin a Tender Funeral Service.

Our probably main reason for operating is around affordability, and so we are trying to create a service that people can afford, and part of that is about informing people about what their choices are. We have a model of continual choosing. And I know a lot of other funeral directors have that as well.

What I'm really enjoying about the IPART process is the focus on community education, because I think what we know is, that people don't know what they don't know, and once people are sort of informed about what they don't know, they have the sort of things in their backpack the questions to ask.

So I think there's some really great suggestions around providing good questions for funeral directors, asking people to actually try and think about these decisions before the moment of needing them, and you know informing people and empowering people to participate as much as they want in the process, and we have that very much. We have 40% of people who come to Tender do participate in coming to the mortuary, and participate in the process, and that is a really important part of what we're offering.

And I think the removal of mystery is really a great part, a great opportunity as part of this process to sort of open the space up and look at it. I think one of the things that we are very interested in seeing happen is that the option of being able to bury and cremate in a shroud, become an option for people in NSW for two reasons.

One is that we think that it would impact affordability and the other thing is that we're constantly being asked around providing environmentally friendly options for community and people are very interested in that. So I think having a community discussion around that is really an important part of the of this process

I think the other thing of people being able to do funerals, without a funeral director is actually I think a really important and empowering part of this of what's being discussed. And one of the things that we know happens is, even though it is legal to have a funeral, to do your funeral yourself, there's often a policy, you know often crematoriums and cemeteries have a policy that you're not allowed to bring the body, only a funeral director can bring the body to their facility.

And I think that makes it very difficult for people. So I would like to see that there was some way that the people's legal rights could be actually made, you know that people have to be allowed to do those you know, to be able to do those things themselves, given the right you know given that they do the paperwork, given that they've got the education, and they're able to do that themselves within the regulations, then I believe that policies shouldn't be stopping people do that.

I think the other thing around that, is that also happens in relation to people being able to pick up their people from nursing homes or hospitals themselves, and bring them home. I think that also is something that people should be allowed to do, if they can manage to do it. And it's providing them with the regulations and the sort of do it yourself, how you do it, is a part of that empowering people to do that, if they want to, if they can do it.

I think the other aspect, the one regulation that we find is really difficult for families is when people have kept somebody at home, and they're not allowed to coffin that person at home. And I really would love to see that that regulation was changed, that people could coffin somebody at home, and not have to often, you know we have somebody who's been gone home for a vigil, and then we'll have to go and pick them up and bring them back to the mortuary to coffin them on the way to the cemetery, and it just seems a bit ridiculous that that has to happen.

So once again providing that people are following all of the health standards. I don't see why that regulation can't be changed, because it's often a part of that empowering process, that people can do those things themselves. We're adults, people can do things themselves.

The other thing I would like to comment on, I know I'm gonna try I'm trying to go quick because I know that...

Ms Livingstone: We've got one more to come...

Ms Briscoe-Hough: I know, I just would like to talk about the final the issue around insurances, and you know the access to all that stuff that happened with the insurance funds.

And in the submission it seems like it's been suggested that to say no campaign is enough to address that issue with aboriginal communities. I would suggest it's not enough, because people need access to affordable ways of paying for those funerals, and if we don't provide options for them, then just saying say no doesn't help them.

So I think that we need to be a little bit more creative about offering really viable funeral saver products and options for people so that they're not drawn into, having to go for those options that you're drawn into paying for that funeral insurance.

I know that's all changing, but I think that we really need to do more, there needs to be a sort of more robust approach to that. That's me, thank you so much.

Ms Livingstone: Thank you Jennifer. That that was really helpful to draw out some other issues that we haven't had a chance to discuss yet. We will take questions in a moment, but before we do we're going to go to Greg Nethercott from the National Funeral Directors Association, thanks Greg.

1.3.8 National Funeral Directors Association

Mr Nethercott: Thank you. I've deleted a lot of the comments that have already been made quite pertinently by other organisations and individuals, associations. So look we obviously acknowledge the NFDA that consumers need to be more informed, and that's where industry associations are an important part of supporting that ideal, and that this review is obviously just a periodic review and gives us the opportunity as an industry to address, I suppose changes.

I suppose in talking to our members and the ones I suppose that particularly are still concerned about how they put the information up on the site, you know I think the industry itself has got a bit to do to sort of help those 20% or 30% are still lagging. A lot of it's just through not understanding part of, it's been through not being overly computer literate with some of the players involved. So I think we can do a bit more on that.

But a funeral service is sort of somewhat purchasing or getting engaging that is, it's similar to other major top expenses you know that we might do: purchasing a car, perhaps a hotel accommodation, or you know even airline, airline tickets. There's a variety of choices made and if we use the airline example we end up in the same place, but you know people have been in cattle class, economy, business or first class, and they've enjoyed the benefits and services provided in that and that's similar in this industry.

I'm just skipping on the ones that are already commented on. Look I suppose I want to drill down into a couple of things that I suppose again concerns, and they have to do with this lowest price costing option, that's been required promoted. And I suppose a resistance or introducing some equity into it, because suggesting that the lowest cost option be the guideline is certainly flawed. We need to be careful as a society, not to sort of minimise the essentiality of the death care industry, and surely we're not at the point where we want to put lots of impositions that don't need to be there. And certainly the selection of a funeral director based on the cheapest price on a website is not a true indication of the actual level and quality of service that would be provided.

The other I suppose is if you're going to go down that path, and to make it equitable then why as part of the standard don't we nominate exactly what is being priced, and so for example, is it just a chipboard coffin fixed with six screws and a nameplate, and everybody puts their price in at that. And then it should be noted that once you've got that as the standard, that everybody's quoting on or pricing on that the exclusions are the number and style of type of handles that could be a personal choice.

And the other I think is critical because it does impact the pricing is it for a person less than 1.8 meters high, less than 500 millimetres wide at the shoulders and you know weighing less than 85 kilograms. Everybody, consumers and deceased, so different sizes and shapes, and you cannot put a standard price on a bare minimum on which somebody may be making a choice to go with. So I think if we're going to be real about the industry and what happens, then we need to consider those things.

And a few others, particularly are in relation to where the least expensive funeral package is the one that's being promoted. The costs of that are variable, could be the removal of a pacemaker, removal of catheters, closure of wounds, an insertion of cavity closures fixing of eyelids and mouth formers, or handling a deceased with an infectious disease.

They're all variables that contribute to the cost of delivering a service which aren't known until the person is picked up from the mortuary, or the hospital or wherever it is. So providing a price based on a standard number is sort of a little bit misleading to the consumer. Because they could well go with a funeral director based on a pricing off of a website, but then find out that because of these variabilities that the price is significantly different.

Ms Livingstone: Now I encourage you to just hit your key points now Greg.

Mr Nethercott: Yeah last one is that, look we've heard a little bit about regulations and regulatory authorities, our view is that a licensing type system or I suppose you could extend that to a regulatory, but an operator can breach a regulation and while penalised if they're if they're caught, can still operate all right. But repeat breaches under a regulation of a license system would provide opportunity for education, suspension, or expulsion.

So look I think that with the other things that have been made today cover most of the things that we have. But the Funeral Industry Information Standard changes that the review recommends the Fair Trading around the least expensive package, should define exactly what is included or not included and I think I've highlighted some of those pertinent points in that thank you.

Ms Livingstone: Thanks very much for doing that Greg and for all of our speakers for highlighting some really important issues for the sector.

1.3.9 Discussion

Ms Livingstone: I'm just going to ask Sandra Gamble one of our Tribunal members to speak now, I think she has a question.

Ms Gamble: Yes and thank you everyone for the time and effort that you put into your presentations and the thoughtfulness. We very much appreciate that and we will very much take them on board.

My questions for Asha, you recommended that we include celebrants and death doulas in the net that's caught by some of the regulations around information disclosure. I guess I'm keen to understand what the boundaries are given that a lot of celebrants are just the people who speak, and I know that's not what you're suggesting, but I was just wondering if you could be a bit clearer about what the scope of these people are that you want to be caught.

Ms Dooley: So not celebrants that are just there to speak, and are working as a third-party contractor for a funeral director. But there are a number of celebrants that are now acting as funeral director, using third-party contracting situations such as third-party mortuary, third-party transfers etc.

So I guess what I'm saying is, if it looks like a duck and it quacks, it should be regulated the same way that everyone else is. I just don't think it seems to be fair that if I call myself a funeral director for example, and someone calls themselves a death doula even though we perform identical functions with a different name, why one should be regulated in one aspect and one shouldn't have to have the same regulation. It's just about getting fairness across the industry.

Ms Gamble: Okay thank you very much.

Ms Dooley: Does that answer the question?

Ms Gamble: Yes it does indeed, thank you.

Ms Livingstone: Thank you. And we'll go to a couple of other questions now that have been there for a little while but Vera Visevic, you had a much broader question about the different approaches to regulation in the crematoria sector versus funerals. Do you want to talk to that?

Ms Visevic: I guess it was more of an observation than a question, but when I look at the Draft Report from IPART about the funeral director industry, and I compare that with the internment report from last year. For some reason the funeral industry one is about 15 pages long and the internment one is 120 pages long. And then when you add to that the 11th hour report which is 200 something pages, it seems to me that there is a significant disparity between the exploration, investigation of the cemetery and crematory industry versus that of the funeral industry. And yet in my experience having organised a number of funerals, I've always paid more for the funeral, than for the internment. So as from a consumer perspective, my initial thought is just seems to be almost the wrong way around I was just curious about why it's such a difference in approach to the two industries even though they are to a large extent very similar.

Ms Cope: I can assure you that the amount of work that went into understanding what the issues behind both of the industries was very equivalent between the two of them. And I think something somebody mentioned earlier that our staff were actually went to a number of funeral directors and did quite a forensic analysis of the costs across a range of directors in a similar way that was that was done for the cemeteries paper. So yes we have a short report but there is also a number of papers that sit behind that.

The parallel between the two of them is that the focus is on the pricing and the issues around pricing that was a very common issue between both of them. But there was existing regulation within the funeral sector that covered that, which is why we've sort of we've got more newer things I think in the cemetery sector.

But there is also an additional issue with cemeteries which became very clear to us when we were doing that inquiry, and that was around the extent to which there was provision made for the ongoing care of the cemetery after they were closed, and managing that in a context where a lot of cemeteries are getting close to the end of their current capacity.

So what we've done is we've crossed the two reports is really looked at what the problems were that we'd identified through our consultation, and developed up recommendations and solutions to deal with those problems.

Ms Visevic: Thanks Deborah. I guess was still a little bit surprised by the level of regulation of the cemetery and crematoria sector which already exists, and then the recommendation and further regulation, and yet quite the opposite with the funeral industry. But I'm just putting that forward as an observation, I'm not saying one is right or wrong it was just quite surprising to me.

Ms Livingstone: Thanks. There were a couple more questions about the single regulator. I'm not going to go back to that issue, because I'm conscious we've only got a few minutes and there's some issues we haven't covered at all, that I'm keen to get to and you will have an opportunity to put in submissions as well. But Brendan Nugent, you had an observation or question about the role of regulation and Fair Trading, do you want to speak to that? Are you there Brendan?

Mr Nugent: Yes sorry about that. I think actually Asha and Sandra did just cover it a little bit by raising the issue of the third party provider, which is a briefcase provider. But we also have in the industry the issue of just like Uber did to taxis, we have funeral brokers now providing services. So a funeral broker is someone who doesn't engage in delivering any of the services themselves, they literally do it through their great skills in marketing and SEO management, they then sub contract people to provide funeral services for them, and there's literally no transparency to the consumer in relation to this.

When it happened in the funeral or taxi industry the government regulators basically stepped in and started to talk about how even though they were private industries like taxis, basically they were still highly regulated and therefore that they were at a disadvantage. We've also got this same thing in the funeral industry, and the report doesn't mention anything about the issue of funeral brokers, and there's no education campaign, compliance or any sort of other information from Fair Trading about what they might be doing about funeral brokers.

Ms Livingstone: Thanks Brendan. Did anyone from Fair Trading want to comment on that?

Ms Phang: Hi Liz and thanks for the question Brendan. In terms of brokers, I personally am not aware of any issues that we've seen on that, but happy to take that on notice. In terms of the briefcase operators and the disruptors, when you look at the definition of the funeral director in the in the standard itself, it does define it as a person who in the conduct of their business arranges the collection, transport, storage, preparation or embalming of bodies for the purposes of the burial, cremation of bodies. So really if a person is holding themselves out to be doing any of that in the conduct of their business, they would notionally be caught by the information standard.

Ms Livingstone: Thanks very much Maggie. And Andrew France I think you've got a question about the funeral information standard.

Mr France: No I was just trying to because I was unfortunately cut short, just sort of trying to surmise if people want to read. Yeah we'll put in a detailed submission I'm sure.

Ms Livingstone: Yeah thank you and thank you for all of those who have made comments. I may just check in on Russell Allison, we didn't get to yours did you want to speak to that before we finish up.

Mr Allisson: No I was just making the point that the NSW Cemeteries and Crematoria Association has been advocating for CCNSW to become a funeral industry regulator for the last couple of years.

Ms Livingstone: Okay thanks Russell. So that was a bit of a theme from our discussion today. I am conscious that we're nearly at four o'clock so sorry, I think there was just one new message, I was going to stop there, but I'll just check what that is right and, that's a helpful question to ask. Will we receive a summary of the workshop? There will, a recording of the session will be available on YouTube, as well as a transcript of the session. When we go to our Final Report, we'll also incorporate what we've heard from you today, and how we've responded to that through that process. So thank you for raising that question and thank you so much again for all of those who have presented today, I will just hand over to Deb our chair to close the meeting.

1.4 Closing remarks

Ms Cope: And thank you all for coming to the online line public hearing today. I'll remind you that you can make a written submission by the 14th of May via our website and there's also a link in the Draft Report.

We look forward to receiving those submissions and particularly for anything that people didn't have a chance to raise today, we'd love to get that in a submission. We are interested in feedback on our online public hearing as well, and how we can improve these public hearings.

If you'd like to talk to somebody from IPART from the review, you're welcome to contact one of our team members, whose contact details are on the website or inside the front cover of the Draft Report. I hope today's been helpful to you, it has been very good for us we thank everybody and we do really appreciate the time that you spend to tell us your views, so thank you very much.