

Annual Funeral Director's Licence

Condition of Issue

Policy

It is the policy of the Shire of Wyndham East Kimberley to ensure that all Funeral Directors licensed to operate within those cemeteries under its control, comply with the following Code of Conduct, which is consistent with the Australian Funeral Directors Association (AFDA) and the National Funeral Directors Association (NFDA).

Conditions Attached to Licence

As a condition of licence issued by the Shire, all funeral directors are to adhere to the following code of conduct (the code). Any breach of the code shall constitute a breach of a licence, which may following investigation result in a Funeral Director's Licence being cancelled or suspended, where provided pursuant to Section 18 of the Act, or where due for renewal, in the renewal not being granted.

Code of Conduct

As a condition of your licence as a Funeral Director licensed by the Shire of Wyndham East Kimberley, you agree to:

1. Ensure the prompt release and disclosure of the whereabouts of the deceased person to the person or entity that has the legal right to seek the release or information without requiring payment prior to the release.
2. Not engage in any unprofessional conduct of a character likely to deceive, defraud or harm the families they serve in the course of providing professional services.
3. Maintain in all matters the highest standards of business, professional and personal conduct.
4. Respect in all circumstances the confidentiality and trust placed in you by clients, their families and members of the public.
5. Ensure that all employees are suitably qualified and competent.
6. Ensure that facilities are adequate for all services rendered to the community as required by the relevant authorities.
7. Provide information concerning the range of services available, the prices of these services, and the functions and responsibilities accepted on behalf of your clients.
8. Provide a written estimate of all funeral charges and disbursements to be made on a clients behalf at the time of taking instructions, or as soon as is practicable thereafter.

Serious Breach

A serious breach arises where the Shire is satisfied, following investigation, that the actions of the Funeral Director not only reflect badly on the Funeral Industry but also reflects adversely on the integrity of the Shire.

The following matters are considered by the Shire to constitute a serious breach of a condition of the licence.

- Withholding the release or failing to disclose the whereabouts of the body of a deceased person unless payment is made, or in any other circumstances that would be inappropriate or unreasonable.
- Withholding the release of the body once the direction of the coroner or the Department for Community Development (DCD) is known.
- Conveyance of decedent in the matter that is considered disrespectful, for example, the conveyance of a coffin containing the remains of the deceased in any open truck or utility.
- Storage of coffins in a manner considered inappropriate or contrary to health requirement, e.g. storage in a private garage, church or other such facility, other than an approved facility, such as a mortuary or cool room kept for this purpose.
- Failure to comply with the occupational safety and health requirements or to maintain a mortuary facility in a manner that reduces risk wherever possible to the community, or breaches any other Act or requirement relating the safe disposal of effluent and human body parts.

Power of the Shire of Wyndham East Kimberley to Cancel or Suspend

Notwithstanding an application for a licence, pursuant to section 17 of the Cemeteries Act 1986 (the Act) Council can refuse to issue a Funeral Director's licence to an applicant who believes is not fit to hold a licence or to be of good repute.

Further, in accordance with section 18 of the Act, Council may cancel or suspend a funeral director's licence where it believes the holder is no longer fit to hold a licence or to be of good repute.

Random Inspection of Premises

At any time after the issue of a licence the Shire may cause to be conducted an inspection of the funeral director's premises by an officer of the Shire, to verify that the funeral director facilities and equipment are suitable for the handling and storing dead bodies, and for conducting funerals.