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8.00am - 4.00pm MON - FRI

Application for a Funeral Director's Licence

CEMETERIES ACT 1986

Use this form to apply for a new, or to renew an existing annual Funeral Director's Licence

1. APPLICANT

Full name:			
Trading Name of Business:			
Business address(es):			
Postal address:			
Work phone:		Mobile phone:	
Fax number:		Home phone:	
Email:			

2. SPECIFIC FUNERAL DIRECTOR INFORMATION:

For Annual Period:	From:		To:	
Number of years Applicant has held a Funeral Directors Licence:				Years
Have you been convicted of any offence, anywhere?			Yes	No
If 'yes' provide details:				
Have you ever been declared bankrupt or placed in receivership?			Yes	No
If 'yes' provide details:				

3. BUSINESS INFORMATION:

COMPANIES:	
Full Name and Addresses of:	
Director/s:	
Manager/s:	
Registered Office:	
PARTNERSHIPS:	
Full Name and Addresses of Partners:	

3. ATTACHMENTS

Please **attach documentation** that will assist the Shire in determining that you meet the requirements of Section 17(2) of the Cemeteries Act, 1986, namely:

1.	A letter outlining how the applicant satisfies the Board that it: <ul style="list-style-type: none"> (a) Is of good repute and is fit to hold a funeral director’s licence; and (b) Has suitable facilities and equipment for handling and storing deceased persons and conducting funerals; Shall be entitled to be issued with a funeral director’s licence.
2.	Insurance Certificates of Currency

4. CERTIFICATION BY APPLICANT

- I hereby certify that the Shire’s standard requirements appropriate to this application have been met;
- I agree to maintain Public Liability Insurance cover and Workers Compensation Insurance Cover (where applicable) as a condition of my licence;
- I agree to provide details of these insurance policies annually;
- I understand that this licence may be cancelled or suspended by the Shire, subject to my right of appeal.

Full Name and Capacity of Person Completing this Application:

Full Name (Print)	
Position Title	

.....
Applicant Signature

Date / /

5. OFFICE USE ONLY

Received:		Referred to Council:	
Approved:		Licence Issued:	
Licence fee paid on	/ /	Receipt Number:	

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.

[EXTRACT FROM THE *CEMETERIES ACT 1986*]

Division 3 – Licencing of funeral directors

16. Licences

A funeral director's licence-

- (a) is valid for the conduct of funerals at the cemetery or cemeteries specified In the licence;
- (b) is valid for such period not exceeding one year from the day on which the licence is issued as The Board determines, unless the licence is sooner suspended or cancelled; and
- (c) is not transferable.

17. Applications for licences

1. An application for a funeral director's licence in respect of a cemetery shall be made to the Board responsible for the care, control and management of the cemetery in the manner required by the Board and shall be lodged with the Shire together with the appropriate fee.
2. An applicant who satisfies the Board that the applicant –
 - a. Is of good repute and is fit to hold a funeral director's licence; and
 - b. Has suitable facilities and equipment for handling and storing dead bodies and conducting funerals, shall be entitled to be issued with a funeral director's licence.
3. The Board, or a person authorised by resolution of Board for the purpose, may at any reasonable time inspect the facilities and equipment of an applicant for or the holder of a funeral director's licence and the applicant or hold shall take all reasonable steps to facilitate an inspection authorised by this subsection.

18. Suspension and cancellation of licences

1. The Board may, by notice in writing delivered to the holder of the licence, cancel or suspend the licence if
 - a. The licence was issued erroneously or in consequence of a false or fraudulent document, statement or representation;
 - b. The fee for the licence is due and unpaid;
 - c. The holder of the licence is convicted of an offence against the Act or any local law or by-law under this Act; or
 - d. The Board is no longer satisfied in relation to the holder of the licence with respect to the matters referred to in section 17 (2).
2. If a licence is cancelled or suspended under this section, the person to whom the licence was issued shall deliver the licence to the Board within such a period as may be specified in the notice referred to in subsection (1).

19. Appeals against decisions of The Board

1. Where the Board-
 - a. Refuses an application for a licence; or
 - b. Cancels or suspends a licence,the Board shall notify in writing the applicant or the person to whom the licence was issued of its decision and the reasons for the decision.
2. An aggrieved applicant or person whose licence has been cancelled or suspended may apply to the State Administrative Tribunal for a review of the decision of the Board.