



# AUSTRALIAN FUNERAL DIRECTORS ASSOCIATION

26<sup>th</sup> August 2024  
The Hon. Frank Pangallo MLC  
Parliament of South Australia  
North Terrace  
ADELAIDE SA 5000  
C/. by email to: [hugh.salter@parliament.sa.gov.au](mailto:hugh.salter@parliament.sa.gov.au)

Dear Mr Pangallo

## Re:- Funeral Industry Bill 2024

The Australian Funeral Directors Association (AFDA) has received a copy of the latest draft of your Private Member's *Bill* on the funeral industry from one of our members. You will recall AFDA has written to you on two occasions regarding the draft *Bill* regarding AFDA's concerns with the *Bill* – the letter of 11 May 2022 from our SA President David Lawlor and my subsequent letter of 1 September 2022 are attached for your reference.

While we note that some of our concerns have been addressed in the current draft of the *Bill*, AFDA remains concerned that several key matters raised by us have not been addressed, namely:

- **Part 3**
  - **Interpretation: lines 16-17**
    - The definition of “funeral director” is still too narrow and needs to be broadened to also include death doulas or anyone else engaged in a similar role who may otherwise argue that they are not “arranging for the disposal of human remains” and are therefore not covered by the *Bill*.
- **Part 7**
  - **Schedule 27 – Vicarious liability**
    - At a meeting with AFDA on 25 May 2022 we discussed Schedule 27 at length and requested it be qualified. However, the clause remains unchanged and therefore continues as a matter of concern for our members. We again ask that it be either removed or qualified to ensure funeral directors are not held liable for criminal actions or omissions of their employees if the employer can provide evidence they took all reasonable steps to ensure employees act in accordance with the law, industry standards, and company policies.
- **Schedule 1 Funeral-related Information**
  - **1 – Funeral goods and services provided by a funeral director**
    - Line 7: Refrigeration plates

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- We noted in our letter of 11 May 2022 that we are not aware of any of our members using refrigeration plates and recommended that this item be removed from this schedule. We again ask for this item to be removed.
- Line 15: Transport of mourners
- “Transport of mourners” should be deleted from here as it is also included at line 22 under disbursement, where it indeed belongs as it is a service provided by third parties and not by funeral directors.
- **2 – Disbursements**
- We noted that it is difficult at best for funeral directors to provide prices for items listed as disbursements as such items are provided by third parties. In our opinion the change of wording of this clause to require funeral directors to provide a “reasonable estimate” of the costs of disbursements does not address our concerns and we again request that funeral directors only be required to report “As charged by supplier”. Once the client has advised a funeral director of their requirements for the funeral, the funeral director can provide quotes that have been obtained from relevant third-party suppliers.
- **Schedule 2 – Code of Practice**
- Page 17, Lines 39-40: AFDA previously requested that the word “knowingly” be inserted prior to the word “sell” in the sentence “A funeral director must not sell, or offer to sell, any funeral goods that have previously been sold to any person.” We again ask that the word “knowingly” be inserted.
- Page 18, Line 13-16: AFDA wishes to note that some of its members are concerned by section as it prohibits our members from referring clients to other professional service providers that may be able to assist clients with estate planning or financial planning or the making of wills. Some of our members have obtained independent legal advice on this matter and have been advised that it is inconsistent with the Commonwealth’s Competition and Consumer Act 2010. We ask that these lines be removed.

AFDA members are committed to providing bereaved families with the highest level of care and integrity and we welcome the opportunity to formalise these high standards across the industry. It is our desire that laws and regulations for the industry be fair, achievable, fostering of competition within the industry while upholding consumer rights, and being consistent across the country. As it stands, the current draft of the Bill does not achieve these ends in full. We therefore cannot support the Bill in its present form and request that the matters raised above be addressed prior to the Bill’s introduction to Parliament.

We request a face-to-face meeting with you to further discuss our concerns. Our AFDA SA/NT division will be in contact with your office to arrange a suitable time to meet.

Yours sincerely



Kelly Scott  
National President, AFDA