

# Queensland Funeral Industry Code of Conduct

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# Introduction

## Rationale

This Code of conduct provides a proactive whole-of-industry approach to the promotion of high-quality funeral service practices.

The Code of conduct supports and progresses the Department of Justice and Attorney-General's Strategic Plan which aims to support businesses to operate in a fair, safe, ethical and sustainable manner that balances consumer protection and community expectations against market interests. The Code of conduct is based on industry commitment to best practice in the provision of funeral services.

## About the funeral industry

Following a death, there are several people and organisations involved in the processes between the time of death to the final committal of the remains. The funeral services industry comprises a number of occupations, namely funeral directors and other funeral home staff, cemetery and crematoria staff, embalmers, gravediggers, and people who transport bodies. The Queensland Government also has a role in registering the death and performing an autopsy if needed.

No licence is needed to work in any of the (non-government) funeral industry occupations in Queensland. Anyone can establish themselves, and operate, as a funeral director in Queensland. However, there are several laws and standards, common to all industries, which must be followed. These include the Australian Consumer Law and workplace health and safety laws.

## Guiding principle

The Code of conduct is based on a shared commitment by funeral industry providers to the guiding principle of ethical and responsible behaviour. This principle recognises the importance of clients' wellbeing with a focus on minimising the potential harm that can arise from using an unscrupulous provider. In addition, clients' rights to privacy are respected.

Of utmost importance is the knowledge that a mistake made in the handling of a loved one's remains—such as giving a family the wrong cremated remains—sometimes cannot be undone or adequately compensated for. The result for the families in these circumstances can be devastating. By choosing the funeral services profession, you are choosing to work in a very sensitive industry.

## Outcomes

The Queensland Funeral Industry Code of conduct aims to achieve the following outcomes:

- Clients make informed decisions about funeral services.
- Individuals, communities, industry and the Queensland Government have a shared understanding of funeral service best practices.
- Individuals, communities, industry and the Queensland Government have an understanding of their rights and responsibilities in relation to funeral service best practices.
- Industry provides a professional and informative environment for the delivery of funeral services.
- Harm from unethical funeral service providers to individuals and the broader community is minimised.

## Accountability and review

All funeral services providers within Queensland will be responsible for ensuring their commitment to the relevant practices contained in this Code of conduct. Each provider will maintain appropriate records relating to the practices in the Code.

While commitment to the Code of conduct is voluntary, there are practices that are also a legislative requirement. These practices must be complied with or action may be taken under the relevant Acts. It is the responsibility of providers to be aware of these legislative requirements, as they relate to their business.

The Queensland Government will:

- Work cooperatively with the funeral services industry in the administration of this Code of conduct and when proposing changes to the Code.
- Review the Code of conduct periodically and make any necessary changes to ensure it meets the changing needs of industry and the community.
- Consider the introduction of laws and regulations which apply to the funeral services industry when appropriate.
- Investigate and address consumer complaints, with relevant departmental responsibilities and jurisdiction, where the consumer and funeral service provider (and their industry association, if applicable) have been unable to reach resolution.

## Practices

This Code of conduct commits the industry to implement and adhere to high-quality funeral service practices, with a particular focus on client protection measures. These practices are organised into the following broad categories:

1. Professional conduct
2. Training and professional development
3. Providing information
4. Handling and storing bodies
5. Undertaking financial transactions
6. Complaints.

In recognition of the diversity within the industry, the Code of conduct acknowledges that some practices apply to all sectors of the industry while others apply only to particular sectors.

The Code of conduct is a dynamic document. It is anticipated new practices will be developed in response to innovative best practice within the industry.

# Practice 1

## Professional conduct

Funeral service providers will:

1. Act in the spirit of the Code of conduct so as to not lessen the standing of the Queensland funeral industry or bring the industry into disrepute.
2. Follow local, state and federal laws in conducting their business and in conducting funerals.
3. Maintain the privacy and confidentiality of clients and the deceased.
4. Treat clients, the deceased, peers and the community with respect, dignity and compassion.
5. Be sensitive to cultural and religious beliefs of clients, the deceased, peers and the community.
6. Not deceive, defraud or otherwise harm clients, peers or the community.
7. Conduct their business with the utmost competency and integrity.
8. Not discriminate or judge clients, the deceased, peers or the community on the basis of gender, age, sexual orientation, disability, religion, ethnicity or similar matters.
9. Seek assistance and guidance when they are unsure of the correct option to take.
10. Where they believe another funeral service provider is acting inappropriately, take action and advise the relevant industry association and/or government body.
11. Be fully transparent with the client if there are services that they cannot provide, for example, embalming, repatriation, or reconstruction.
12. Keep appropriate written records for all stages of the funeral process for one year after the burial or the ashes have been given to the family or other representative.

# Practice 2

## Training and professional development

Funeral service providers will:

1. Ensure they are highly competent in performing any particular skill they perform.
2. Ensure they become highly competent in performing any new skill before offering it to consumers.
3. Ensure they undertake professional development to keep current with the knowledge and skills they need to perform their job. This includes being informed of changes in the provision of funeral services and the local community (such as the increase of a particular cultural group).

**Note:** formal qualifications exist for several funeral service jobs such as embalmer, mortuary worker and funeral director. It is not compulsory for a person to hold these qualifications to work in the Queensland funeral industry, however a consumer may ask a funeral service provider if they hold a relevant qualification.

# Practice 3

## Providing information

Funeral service providers will:

1. Inform clients they are a signatory of this Code of conduct and provide a copy if requested.
2. Provide clients with information and advice designed to assist them in making informed choices about purchasing products and services.
3. If they refer a client to an ancillary provider, advise clients of any financial, personal or other relationship or arrangement that may exist between them.
4. Endeavour to ensure clients fully understand what is and is not included in the funeral plan or package they purchase.
5. Educate the public about the role of funeral service providers, how to choose a provider, and the costs and procedures involved in planning or pre-planning a burial or cremation.

# Practice 4

## Handling and storing bodies

Funeral service providers will:

1. Handle, prepare, transport and store the body of the deceased in a dignified and hygienic manner and in compliance with legislation and local council requirements on such matters.
2. Ensure body preparation occurs in a mortuary that meets all necessary guidelines and has been suitably approved by local authorities.
3. Ensure transfer vehicles are suitable for the purpose for which they are used, for example, ensuring the body storage area is blocked from external view.
4. Ensure body storage and preparation facilities are visually and physically accessible only by authorised persons.

# Practice 5

## Undertaking financial transactions

Funeral service providers will:

1. Not pressure clients to purchase services or products.
2. Provide clients with accurate and timely information about the range and price of their services and products, including low-cost options.
3. Provide clients with a written itemised estimate of costs and the terms of trading, in plain language, prior to the client accepting the provider's service.
4. Allow clients sufficient time and privacy to consider a quote prior to the client accepting the provider's service.
5. Ensure clients understand which services or products are mandatory, such as the cost of registering a death, and which are optional, such as flowers.

# Practice 6

## Complaints

Funeral service providers will:

1. Advise clients of the complaints resolution process and provide them with any necessary assistance, forms or information.
2. Deal with consumer complaints in a respectful and compassionate manner.
3. Genuinely seek to resolve complaints with clients.

In the event of a complaint, the funeral service provider can expect:

- The consumer to raise their complaint with the relevant funeral service provider and both parties will genuinely attempt to seek a resolution.
- In the event the consumer feels the matter has not been resolved with the funeral service provider, the complaint may be raised with the industry association to which the funeral service provider belongs (if applicable) and they will genuinely attempt to seek a resolution.
- In the event the consumer feels the industry association has not been able to resolve the complaint or the funeral service provider is not an association member, the complaint may be raised with the Office of Fair Trading (OFT). Depending on the nature of the complaint, OFT may refer the complaint to another government department or office.

There are a number of laws and guidelines which funeral service providers must abide by including:

*Anti-Discrimination Act 1991 (Qld)*

Australian Consumer Law (Cth)

*Births, Deaths and Marriages Registration Act 2003 (Qld)*

*Births, Deaths and Marriages Registration Regulation 2003 (Qld)*

*Burials Assistance Act 1965 (Qld)*

*Competition and Consumer Act 2010 (Cth)*

*Coroners Act 2003 (Qld)*

*Cremations Act 2003 (Qld)*

*Cremations Regulation 2003 (Qld)*

*Criminal Code Act 1899 (Qld)*

*Fair Trading Act 1989 (Qld)*

*Funeral Benefit Business Act 1982 (Qld)*

*Funeral Benefit Business Regulation 2010 (Qld)*

*Health Act 1937 (Qld)*

*Health Regulation 1996 (Qld)*

*Land Act 1994 (Qld)*

*Local Government Act 2009 (Qld)*

*Privacy Act 1988 (Cth)*

*Transplantation and Anatomy Act 1979 (Qld)*

*Work Health and Safety Act 2011 (Qld)*

*Guide for the Funeral Industry by Workplace Health and Safety Queensland.*

## Contributors

This Code of conduct was drafted by the Department of Justice and Attorney-General, Queensland Government, together with the following industry associations:

Australian Funeral Directors Association, Queensland Division, (AFDA)

*Australasian Cemeteries and Crematoria Association*

*Independent Funeral Directors Association*

National Funeral Directors Association, (NFDA)

Queensland Funeral Directors Association, (QFDA)

*Queensland Cemeteries and Crematoria Association.*

Industry associations also have a number of guidelines and standards which individual members must abide by including:

*Code of Ethics* (AFDA)

*Code of Ethics* (QFDA)

*Code of Professional Conduct* (AFDA)

*Continuing Professional Development* (AFDA)

*Members Code of Practice* (NFDA)

*Minimum Standards for Facilities and Equipment* (NFDA)

*Minimum Standards* (QFDA)

*Required Checklist for Premises, Equipment and Vehicles* (AFDA)

*Required Standards for Premises, Equipment and Vehicles* (AFDA).

# Supporting documents

## Glossary of terms

Embalmer	The person who embalms the deceased's body.
Funeral director	A person who coordinates, supervises and conducts funerals, whether personally or by delegating tasks to others. The funeral director has ultimate responsibility for the funeral.
Funeral product	The products used in a funeral such as flowers, the coffin, clothing, the urn, etc.
Funeral service provider	A person who works in the funeral services industry and includes: funeral arranger, conductor, funeral attendant, funeral director, embalmer, gravedigger, and cemetery and crematoria staff.
Funeral services	The services provided by a funeral service provider such as transporting the deceased, preparing the body, and conducting the funeral service.
Gravedigger	The person who prepares the grave for the deceased.
Mortuary	A morgue. The place where a deceased body is stored or prepared before a funeral.
Remains	A deceased body or part of a deceased body, and includes cremated remains.

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