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13/012 Licencing of Funeral Directors

Objective

The purpose of this policy is to outline Council's commitments for managing and issuing of Funeral Director's Licences and to outline the process by which licence applications are assessed, granted, cancelled and/or suspended.

Content

In pursuance of its responsibilities under the *Cemeteries Act 1986* ("the Act"), the Council adopts the following policy for issuing a Funeral Director's Licence and the Standard Requirements it will consider when assessing an application.

It is recommended that all applicants be a member of the Australian Funeral Directors Association and/ or National Funeral Directors Association and/or other appropriate associations;

*Standard Requirements*

Prior to a new licence being issued or an existing licence renewed, in accordance with clause 2.1 of the Town of Port Hedland *Cemetery Local Law 2015*, the Chief Executive Officer will assess applications against the following criteria:

1. The applicant has complied with all requirements of the Act and the Town of Port Hedland *Cemeteries Local Law 2015*;
2. The applicant has completed and submitted an application in the form specified in [Appendix 1](#) of this policy;
3. The applicant has provided a statutory declaration and supporting evidence that all standard requirements, as contained in this policy, have been met ([Appendix 1](#));
4. The applicant has provided three (3) satisfactory character and/or professional referees are submitted by the applicant;
5. The applicant has provided Australian National Police Check Certificates no more than three (3) months old for all employees providing funeral director services;
6. Satisfactory results of any inspections made of the applicant's premises;
7. The applicant must have a transfer vehicle suitable for the proper and dignified transportation of human remains. That vehicle must have; an efficiently operating roller device and coffin clamping facility, blinds, treated

windows, curtains or other screening to ensure vision into the body storage area is blocked from all external angles;

8. The applicant must provide a commitment to the use of proper and dignified means of transport for when it is necessary to transport human remains outside the boundaries of the Town;
9. The applicant must have a dignified viewing area available for public access;
10. The applicant must have appropriate office space and/or suitable space available in which to make funeral arrangements;
11. The applicant must have access to facilities appropriate for the purposes of the proper care and treatment of human remains, including:
  - (a) Refrigerated body storage facilities;
  - (b) Body preparation facilities including:
    - A ready supply of hot and cold running water;
    - Easily cleansed surfaces;
    - Ventilation;
    - Waste disposal;
    - Lighting;
    - Basic mortuary equipment;
  - (c) Hygienic environment; and
  - (d) Safe and dignified equipment
12. The applicant shall provide satisfactory evidence from relevant authorities, certifying that all facilities, premises and equipment conform to appropriate Public Health authority requirements;
13. The applicant shall provide a satisfactory audited set of financial accounts;
14. The applicant shall provide satisfactory evidence that they, their employees and agents will conform with the provisions of the Metropolitan Cemeteries Board of WA Code of Conduct.

#### *Cancellation or suspension of a funeral director's licence*

1. The Town may cancel or suspend a funeral director's licence in accordance with section 18(1) of the Act.
2. Under section 18(1)(d) of the Act the Town may by notice in writing delivered to the holder of a licence, cancel or suspend the licence if it is no longer satisfied in relation to the holder of the licence of the matters referred to in section 17(2) being that the licence holder:
  - (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.
3. Without limiting the Town's discretion under section 18(1), the Town will have regard to the following criteria for the purposes of sections 18(1)(d) and 17(2)(a) in determining whether the licence holder remains of good repute and is fit to hold a funeral director's licence:
- (a) whether the licence holder has breached any condition of the licence and whether any such breach has been rectified;
  - (b) whether any written complaints have been received by the Town in relation to the licence holder and whether the response of the licence holder to such complaint(s) was satisfactory;
  - (c) whether the licence holder has committed any breach of the licence holder's Code of Conduct and whether any such breach has been rectified;
  - (d) whether the licence holder has ceased to be a member of either the Australian Funeral Directors Association or the National Funeral Directors Association;
  - (e) whether the licence holder has failed to comply with any professional or ethical standard of the Australian Funeral Directors Association or the National Funeral Directors Association;
  - (f) whether the licence holder has failed to comply with any provision of the Act, the *Cremation Act 1929* or the Town of Port Hedland's *Cemeteries Local Law 2015*;
  - (g) whether the licence holder has become bankrupt or financially insolvent;
  - (h) whether the conduct of the licence holder or any employee of the holder in directing or attempting to direct a funeral within a cemetery or in undertaking any other activity ancillary or incidental to a funeral was in the opinion of the Town inappropriate or unbecoming; or
  - (i) any other consideration relevant in the Town's opinion to determining whether the licence holder remains of good repute and fit to hold a funeral director's licence.
4. Without limiting the Town's discretion under section 18(1), the Town will have regard to the following criteria for the purposes of sections 18(1)(d) and 17(2)(b) in determining whether the licence holder continues to have suitable facilities and equipment for handling and storing dead bodies and conducting funerals:
- (a) the results of any inspections made of the licence holder's premises;
  - (b) whether the licence holder continues to comply with paragraphs 9, 10, 11, 12, 13, and 14 of the Standard Requirements set out in this Policy;
  - (c) whether the licence holder has at any time failed to utilise suitable facilities or equipment in the handling, transport and storage of dead bodies and conducting funerals;
  - (d) whether any facilities, premises or equipment has failed at any time to conform with any public health or local government authority requirements;

- (e) whether any complaints have been made to the Town or the licence holder in relation to the facilities, premises or equipment of the licence holder and whether the response of the licence holder to such complaint(s) was satisfactory; or
- (f) any other consideration relevant in the Town's opinion to determining whether the licence holder continues to have suitable facilities and equipment for handling and storing dead bodies and conducting funerals.

## Definitions

'*Council*' refers to the Town of Port Hedland.

'*Funeral*' means a ceremony or service held after a person's death, including the person's burial or cremation.

'*Satisfactory*' means meeting the reasonable discretion of the Chief Executive Officer of the Town of Port Hedland.

<i>Relevant legislation</i>	<i>Cemeteries Act 1986</i> <i>Cremations Act 1929</i> <i>Cemeteries Local Law 2015</i>
<i>Delegated authority</i>	-
<i>Business unit</i>	<i>Governance</i>
<i>Directorate</i>	<i>Corporate Services</i>

<i>Governance to complete this section</i>			
<i>Version Control</i>	<i>Version No.</i>	<i>Resolution No.</i>	<i>Adoption date</i>
	V01	-	25 September 2005
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<i>Review frequency</i>	<i>Annually</i>		

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

# Application for Funeral Director's Licence

Cemeteries Act 1986

Town of Port Hedland Cemetery Local Law 2015



## APPENDIX 1

### 1. APPLICANT

Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Dr
Surname:	
First name:	
Trading Name of Business:	
Business Address(es):	
Postal Address:	
Work Phone:	
Email	
Mobile Phone:	
Home Phone:	

### 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?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If 'yes' provide details:		
Have you ever been declared bankrupt or placed in receivership?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If 'yes' provide details:		

# Application for Funeral Director's Licence

*Cemeteries Act 1986*  
*Town of Port Hedland Cemetery Local Law 2015*



## 3. BUSINESS INFORMATION:

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

## 4. APPLICATION:

I hereby apply to the Town of Port Hedland for a funeral director's licence in accordance with the <i>Cemeteries Act 1986</i> , <i>Town of Port Hedland Cemetery Local Law 2015</i> and Policy 13/012 Licencing of Funeral Directors and acknowledge that my application may be refused or my licence may be suspended or cancelled by the Town if the Town is no longer satisfied that I am of good repute and fit to hold a funeral director's licence; or that my facilities and equipment for handling and storing dead bodies and conducting funerals are no longer suitable.	
<b>Full Name and Capacity of Person Completing this Application:</b>	
Full Name (Print):	
Position Title:	
Applicant signature:	
Date (DD/MM/YY):	

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Cemeteries Act 1986

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## 5. OFFICE USE ONLY:

Received on:	/ /	Referred to CEO:	/ /
Approved on:	/ /	Licence Issued on:	/ /
Licence Fee Paid on:	/ /	Receipt Number:	

# Western Australia

## *Oaths, Affidavits and Statutory Declarations Act 2005*

### Statutory Declaration

I, \_\_\_\_\_ {name of person making declaration}

of \_\_\_\_\_ {address of person making declaration}

occupation \_\_\_\_\_ {occupation of person making declaration}

sincerely declare that I have met the standard requirements of Town of Port Hedland *Policy 13/012 Licencing of Funeral Directors* as part of my application for a funeral directors licence:

Standard requirements	Confirmation	Evidence attached
Three (3) character or professional references		
Current National Police Certificate		
Well-presented dignified hearse or other vehicle presented as a hearse with efficiently operating roller device and coffin clamping facility		
Transfer vehicle suitable for the proper and dignified transportation of human remains		
Dignified viewing area		
Appropriate office space		
Access to hygienic facilities and equipment appropriate for the proper care and treatment of human remains, as follows:		
• Refrigerated body storage facilities		
• Hot and cold running water		
• Easily cleansed surfaces		
• Ventilation		
• Waste disposal		
• Lighting		
• Basic mortuary equipment		
Safe and dignified handling written procedures		
Certification by public health authority that all facilities, premises and equipment conform to public health authority requirements		
Audited set of current financial accounts		
Statement of compliance with Metropolitan Cemeteries Board of WA Code of Conduct		



This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

At \_\_\_\_\_ {place}

On \_\_\_\_\_ {date}

By \_\_\_\_\_ {Signature of person making the declaration}

In the presence of

\_\_\_\_\_ {Signature of authorised witness}

\_\_\_\_\_ {Name of authorised witness}

\_\_\_\_\_

\_\_\_\_\_ {Qualification as such a witness}

An authorised witness for a statutory declaration that is made at a place in Western Australia is:

- any person described in the second column of Schedule 2 of the OASD Act; or
- any person before whom, under the *Commonwealth Statutory Declarations Act 1959*, a statutory declaration may be made.

The informal descriptions of persons described in Schedule 2 of the OASD Act are listed below:

#### Authorised Witnesses<sup>1</sup>

Academic (post-secondary institution)	Engineer	Patent attorney
Accountant	Industrial organisation secretary	Physiotherapist
Architect	Insurance broker	Podiatrist
Australian Consular Officer	Justice of the Peace	Police officer
Australian Diplomatic Officer	Landgate officer	Post office manager
Bailiff	Lawyer	Psychologist
Bank manager	Local government CEO or deputy CEO	Public notary
Chartered secretary, governance adviser or risk manager	Local government councillor	Public servant (Commonwealth)
Chemist	Loss adjuster	Public servant (State)
Chiropractor	Marriage celebrant	Real estate agent
Company auditor or liquidator	Member of Parliament	Settlement agent
Court officer	Midwife	Sheriff or deputy sheriff
Defence force officer	Minister of religion	Surveyor
Dentist	Nurse	Registered teacher
Doctor	Optometrist	Tribunal officer
Electorate officer of a member of State Parliament	Paramedic	Veterinary surgeon

<sup>1</sup>[Table updated on 03/04/2020]

**Note:** For the full formal description of authorised witnesses for statutory declarations refer to Schedule 2 of the Oaths, Affidavits and Statutory Declarations Act 2005.