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MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION CONCERNING ITS RELEASE OF ISSUE PAPER 38 ON THE REVIEW OF LAWS REGULATING FUNERAL PARLOURS AND RELATED SERVICES INDUSTRY (PROJECT 147) PUBLISHED FOR GENERAL INFORMATION AND COMMENT

The South African Law Reform Commission announces the availability for general information and comment of its project 147 Issue Paper 38 on the Review of Laws Regulating Funeral Parlours and Related Services Industry for public comment.

The funeral services industry is regulated by several pieces of legislation spread across various government departments, municipalities and by industry associations' own codes of conduct. Funeral parlours are currently regulated by Regulation 363: Regulations Relating to the Management of Human Remains published in Government Gazette 36473 on 22 May 2013 in terms of the National Health Act 61 of 2003. The Regulations focuses mainly on the management and ultimate disposal of human remains, the buildings specification, storage requirements and the use of protective clothing by employees. The activities of funeral directors in South Africa are not regulated. There are no licensing or registration requirements, no compulsory professional qualifications or training, nor other statutory restrictions on who can operate as a funeral director. The same applies for embalmers and funeral assistants or technicians.

This investigation seeks to determine the possible development of a comprehensive single statute that regulates the business of funeral parlours, crematoria and the profession of funeral directors and embalmers in order to:

- strengthen consumer protection regarding transparent pricing of goods and services and the adherence of health and safety regulations;
- explore the need for mandatory educational or training requirements for funeral directors, embalmers and other employees in the sector;
- bring about uniformity in legislation regulating funeral parlours and crematoria across different provinces and municipalities; and
- provide for a professional code of conduct that binds all funeral directors, embalmers and other employees.

This issue paper is the first document published during the course of this investigation. It aims to announce the investigation, initiate and stimulate debate, seek proposals for reform, and serves as a basis for further deliberation by the Commission. At this stage, the paper does not contain proposals for law reform.

The Commission seeks comments on any issues contained in the issue paper and on any related issues. Comments will provide direction on the proposed scope and focus of the investigation. On the strength of these responses, a discussion paper will be prepared setting out the Commission's provisional proposals and published for public comment. Responses to the discussion paper will then be collated and evaluated to prepare a report setting out the Commission's final recommendations. The report (with draft legislation) will be submitted to the Minister of Justice and Correctional Services for submission to the Minister of Health.

Respondents are requested to submit written comment, representations or submissions to the Commission by **30 November 2020** for the attention of Simon Tumelo Maphanga to the following address:

The Secretary
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Issue Paper 38 is available on the Internet at the following site:
<http://www.justice.gov.za/salrc/ipapers.htm>

Issue Paper 38 can also be obtained free of charge from the SALRC on request. Kindly contact Mr Jacob Kabini at Jakabini@justice.gov.za or (012) 622 6346 in this regard.

Contact for enquiries in respect of media statement: Simon Maphanga
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ISSUED BY THE SECRETARY, S A LAW REFORM COMMISSION, CENTURION
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