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MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION (SALRC) CONCERNING ITS RELEASE OF DISCUSSION PAPER 159 ON THE REVIEW OF LAWS REGULATING FUNERAL PARLOURS AND RELATED SERVICES INDUSTRY (PROJECT 147) PUBLISHED FOR GENERAL INFORMATION AND COMMENT

The SALRC announces the availability, for general information and comment, of its Discussion Paper 159 (Project 147) on the **Review of Laws Regulating Funeral Parlours and Related Services Industry**, which proposes, among other things, the establishment of an Ombud Scheme and the adoption of a code of conduct for funeral services practitioners.

The funeral services industry in the Republic of South Africa 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 focus mainly on the management and ultimate disposal of human remains, the funeral parlour buildings specifications, storage requirements and the use of protective clothing by employees of funeral parlours. Funeral directors in South Africa are not regulated. There are 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.

The proposed code of conduct for funeral services practitioners is intended to regulate funeral services practitioners in order to:

- a. strengthen consumer protection regarding transparent pricing of goods and services, and the adherence to health and safety regulations;
- b. explore the need for mandatory educational or training requirements for funeral directors, embalmers and other employees in the sector; and
- c. promote and maintain acceptable standards of care and the provision of services that are reasonable and fair.

This discussion paper is the second document published regarding this investigation. On 16 October 2020, the SALRC published its first paper regarding this investigation, Issue Paper 38, for general information and comment. The responses on Issue Paper 38 were considered in the development of Discussion Paper 159.

The Proposed Code of Ethics and Professional Conduct Standards (the Code) is intended to promote a fair and informed marketplace by protecting consumer rights and enhancing industry professionalism in the provision of funeral services by members of the funeral services industry.

Respondents are requested to submit written comments, representations or submissions to the Commission by **29 September 2023** for the attention of Simon Tumelo Maphanga to the following address:

The Secretary
South African Law Reform Commission
Private Bag X668
Pretoria
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E-mail: SiMaphanga@justice.gov.za

Discussion Paper 159 is available on the internet at the following website address:
<https://www.justice.gov.za/salrc/dpapers.htm>

Discussion Paper 159 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, SA LAW REFORM COMMISSION, CENTURION
DATE: 06 JULY 2023