

Funeral and Burial Instructions

Number	17
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Question 1	If you have been involved in a funeral and burial dispute, can you tell us about your experience?
Response	N/A
Question 2	Is the law on funeral and burial instructions satisfactory as it is?
Response	No, I do not believe so.
Question 3	Should the common law position on funeral and burial instructions be enshrined in legislation?
Response	Yes
Question 4	Should the law oblige a person with the right to control the disposal of a body to make appropriate funeral and burial arrangements after taking into account: (a) the wishes of the deceased (b) the views of the family (c) the deceased's cultural or religious background (d) the need to dispose of the deceased without undue delay (e) the capacity of the estate to cover the reasonable costs of disposal and/or (f) any other factors?
Response	Yes
Question 5	If the law obliges a person with the right to control the disposal of a body to make an appropriate decision after taking into account certain factors, should that person have a duty to seek out the views of people close to the deceased before making a decision?
Response	Yes
Question 6	Should people be able to leave legally binding funeral and burial instructions?
Response	Yes

Question 7	<p>If people are able to leave legally binding funeral and burial instructions:</p> <p>(a) in what circumstances should a person controlling the final disposal of a body be exempt from carrying out the instructions?</p> <p>(b) should there be a requirement that the instructions be:</p> <p style="padding-left: 40px;">(i) contained in a will</p> <p style="padding-left: 40px;">(ii) in written form or</p> <p style="padding-left: 40px;">(iii) in any form as long as the expression of intention is reliable?</p> <p>(c) should children (ie. people aged under 18) be allowed to leave instructions for their own funeral and burial and, if so, at what age and/or in what circumstances?</p>
Response	<p>7a) - Can't think of a case</p> <p>7b) - Yes</p> <p>7b - iii) I am going for number 3 option but maybe the will can make reference to such other document (if instructions are not inside the will).</p>
Question 8	Should people be able to appoint a funeral and burial agent to control the final disposal of their body?
Response	Yes
Question 9	<p>If people are able to appoint a funeral and burial agent:</p> <p>(a) should they be required to obtain the agent's consent for the appointment to be valid?</p> <p>(b) in what circumstances should the agent forfeit the right to control the disposal of the body?</p> <p>(c) who should be liable for the costs of disposal and what, if any, measures are needed to make the arrangement practical?</p>
Response	No response
Question 10	Do you have an alternative option for reform (other than those identified in Questions 3, 4, 6 and 8) that you would like to see adopted in Victoria?
Response	No response
Question 11	Which court/s and/or tribunal should have jurisdiction over funeral and burial disputes and why?
Response	No response

Question 12	How accessible and effective are low-cost mediation services for people involved in funeral and burial disputes, and how could they be made more accessible and effective?
Response	No response