



Department of Justice and Regulation

Dispute Settlement Centre of Victoria



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Submission No. 31

22 December 2015

The Hon P.D. Cummins
Law Reform Commission
GPO Box 4637
MELBOURNE 3001

Dear The Hon P.D.Cummins

Funeral and Burial Instructions – Consultation Paper

Thank you for your letter dated 15 November 2015 inviting the Dispute Settlement Centre of Victoria (DSCV) to make a submission to the Commission in relation to the Funeral and Burial Instructions Consultation Paper.

The statement in paragraph 8.27 that the DSCV can arrange mediation within two weeks is correct, although we can organise mediations in shorter a timeframe if there is genuine willingness from all disputants to use the service (and the Centre has contact details for all parties).

We believe that our services might be an under-utilised resource for family members seeking assistance in resolving these kinds of disputes. A review of our client files from the past two years indicates that DSCV receives approximately a dozen or so initial contacts by clients each year in relation to disputes between family members over funerals or burials.

Most of these cases have multiple issues and not all are directly related to funerals or burial decisions. Some of the related disputes include:

- the kind of funeral service to be provided,
- whether the funeral costs can be covered from the estate or life insurance, and
- behaviour / anticipated behaviour at a funeral.

There are also related issues over inheritance, especially over personal belongings that are not specifically disposed of by a will.

Few of these cases proceed to mediation, usually due to reluctance by one or more parties to participate. For mediation to be successful there needs to be a commitment from all parties to seek a resolution.

The DSCV service is free, and offers positive benefits for people willing to participate. There appears to be a lack of awareness about the potential to mediate these disputes, based on the low number of referrals received.

Yours sincerely


Gina Ralston
Director, DSCV