

## Destitute Persons - Cremation or Burial

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**Functional Sub group** Corporate Administration - Accounting  
Population Health - Environmental

**Summary** Conditions and responsibilities for meeting the cost for the cremation/burial of destitute persons.

**Replaces Doc. No.** Destitute Persons - Cremation or Burial [PD2007\_051]

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**Applies to** Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Affiliated Health Organisations - Declared, NSW Dept of Health, Public Health Units, Public Hospitals

**Audience** Administrative Officers, Social Workers, Ward Clerks

**Distributed to** Public Health System, NSW Ambulance Service, NSW Department of Health, Public Health Units, Public Hospitals, Private Nursing Homes

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**Policy Manual** Not applicable

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**Status** Active

### Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

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## DESTITUTE PERSONS – CREMATION OR BURIAL

### 1. Introduction

This policy directive rescinds Policy Directive PD2007\_051 due to the inclusion in that Policy Directive of Police forms, and references to them, which are no longer to be used. This Policy Directive deals with the cremation or burial of the bodies of deceased destitute persons in the State of New South Wales as set out in this document.

#### Definitions:

For the purposes of this policy directive the following terms mean:

“Destitute Persons” – deceased persons with no money or assets and whose relatives and friends are unable to pay the costs of cremation or burial.

“Still Birth” – means the birth of a child that exhibits no sign of respiration or heartbeat, or other signs of life, after birth and that:

- a) is at least 20 weeks’ gestation; or
- b) if it cannot be reliably established whether the period of gestation is more or less than 20 weeks, has a body mass of at least 400 grams at birth.

“Public Health Unit” – please see the attached list (attachment I).

### 2. Cremation/Burial generally

Funeral procedures and rites are helpful for the resolution of grief and the bereavement process. This is no less true for the families and friends of people who are destitute when they die. The conditions for the cremation or burial of deceased destitute persons should take equal account of the emotional needs of any relatives or friends of the deceased.

Cremation will generally be the preferred method of disposal, provided that:

- there is no objection set out in the Will of the deceased;
- there is a written agreement of any known relatives or friends;
- it is not contrary to the direction of the State Coroner; and
- all necessary cremation certificates have been completed

In all Area Health Services and Public health facilities it should be noted that only the contracted funeral director will be contacted to provide the service. A list of these can be obtained from the Department of Commerce, Office of Government Business and Procurement.

### 3. Responsibility for Burial or Cremation of Destitute Persons

Public Health Units are responsible for the administration of the process related to the cremation and burial of destitute persons within their Area Health Service

boundaries and are to provide assistance and advice to interested parties to ensure all requirements are adhered to.

The cost of cremation or burial of deceased destitute persons is the responsibility of the Area Health Service.

## **4. Procedure for Burial or Cremation**

4.1 Where the death occurs in a public hospital, State Government nursing home, or other facility under the control of a public health organisation under the Health Services Act (in this policy directive referred to as a 'public health facility') and a medical practitioner has issued a death certificate:

- The social worker at that facility shall make all reasonable inquiries to locate any relatives, friends or members of organisations that may wish to arrange for a cremation or burial of the body at their own expense.
- Where no one is able to pay for the cremation or burial of the body:
  1. issue an order to the contracted funeral director for a funeral and cremation or burial to be conducted in accordance with the contract requirements;
  2. arrange for an officer of the public health facility to attend the service; and
  3. forward the duly certified invoice to the Area Health Service for payment.

The assistance of the Police may be obtained if the facility's own enquiries fail to locate any relatives, friends, or others who may wish to arrange a cremation or burial at their own expense. This will help to avoid causing unnecessary distress to people who may have wished to make other funeral arrangements and been willing to pay the funeral costs.

4.2 Where the death of a destitute person occurs outside of a public health facility, does not fall within the Coroners jurisdiction, a medical certificate as to the cause of death has been issued, and the Police have determined that the State is ultimately responsible for the burial or cremation then:

- Police will complete form P372 (attachment 2);
- the form is then forwarded to the Director of the Public Health Unit for the relevant Area Health Service;
- an Environmental Health Officer will complete form HEALTH373 (attachment 3) and contact the contracted funeral director to arrange for the burial or cremation; and
- after the burial or cremation, the contracted funeral director will forward the invoice to the Public Health Unit to arrange payment by the appropriate Area Health Service.

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4.3 Where the death of a person comes within the Coroner's jurisdiction, or when a medical certificate as to the cause of death has been not been issued, and the Police have determined that the State is ultimately responsible for the burial or cremation then:

- Police will complete forms P372 (attachment 2) and forward them to the Coroner;
- in all cases the Coroner will issue an Order for Disposal of a Destitute Person;
- the Coroner will forward the forms to the Director of the appropriate Public Health Unit and request the burial or cremation to be conducted; and
- an Environmental Health Officer will complete Form HEALTH 373 (attachment 3), contact the contracted funeral director and request to arrange the burial or cremation.

## **5. Contracts for Destitute Cremation and Burial**

Contracts for the cremation or burial of deceased destitute persons are under the control of the Department of Commerce, Office of Government Business and Procurement. Contract details and information about them may be obtained from the Office of Business and Procurement. Such contracts are generally reviewed every three years.

Each contract may cover one or more police regions/local areas/towns, and includes services to all public health facilities in that police region/local area/town. Public health facilities and Area Health Services must use the contracted funeral director for all funerals, cremations or burials paid for by the Area Health Service under these arrangements.

Contracts generally provide for separate rates of payment, whether it is a burial or cremation, for:

- adult – burial including ground fee and burial rites and relevant certificates;
- child under 1.1 metres – burial including ground fee and burial rites and relevant certificates;
- still-born neo-nate (not less than 20 weeks gestation or 400 grams in weight) – burial including ground fee and burial rites and relevant certificates;
- adult – cremation including cremation fee and relevant certificates;
- child under 1.1 metres – cremation including cremation fee and relevant certificates; and
- still-born neo-nate – cremation including cremation fee and relevant certificates

## **6. Complaints about Contractors**

Any complaints by family or friends about the performance of a contracted funeral director should be taken up in the first instance with the Department of

Commerce, Office of Business and Procurement which has the primary responsibility for contracted funeral directors.

## **7. Responsibility of the Police**

The Police are responsible in all cases for:

- determining whether a death is reportable to the Coroner and whether any person is able to pay for the cost of the burial or cremation;
- determining whether the deceased has any assets or estate; and
- completion of Forms P372 (attachment 2) and forwarding the form to the Public Health Unit (or to the Coroner in coroner's cases) as is appropriate and required in the particular case.

## **8. Records of Burial or Cremation**

Under the Public Health (Disposal of Bodies) Regulation the cemetery or cremation authority is required to maintain records of the name, date, location of the grave, section and record number, or the location of the ashes, of the deceased. The ultimate burial/cremation site location details will generally also form part of the information recorded by the Registrar of Births, Deaths and Marriages. Public Health Units are also required to keep records of the name of the deceased, and place of burial/cremation and the contracted funeral director used.

## **9. Assistance to Relatives and Friends of the Deceased**

Appropriate staff in the public health facilities should be made aware of this policy to enable information to be supplied to relatives of destitute persons where there is an obvious need of assistance with funeral expenses. Family members should be directed to the social worker who will assess the situation and provide appropriate advice.

A register is to be maintained at the Public Health Unit and notation made in that register in the event that relatives, after being provided details of destitute burial/cremation, decline the service. Any subsequent ex gratia request for contribution to the funeral arrangements for that particular person will then not be accepted (see Section 12 for ex gratia payments generally).

Where an ex gratia claim is made from non-family members the hospital is to examine carefully the bona fides of the claim as generally the full cost of the funeral is the responsibility of those persons.

Bereaved relatives and friends of a destitute person should, regardless of their inability to meet the cost of cremation or burial, be informed of funeral arrangements by the contracted funeral director and encouraged to attend the funeral service. They will, however, be entirely responsible for their own transportation to and from the service.

## **10. Death in a Hospital Remote from Residence**

When the deceased destitute person has been transported from their normal area of residence to a “remote hospital” for treatment not available at their local hospital, and has died at the remote hospital, the reasonable costs of returning the body to the area of residence may be paid if:

- the burial/cremation in their local area is requested by relatives of the deceased; and
- approval was arranged prior to the transfer of the body.

In these cases, the cost of transport back to the local area will be met by the remote hospital where the person dies. The costs of the actual destitute funeral will be met by the local Area Health Service covering the deceased’s normal place of residence.

## **11. Australian Ex-Service Man or Woman**

The Department of Veterans’ Affairs will pay a certain amount towards the funeral expenses of an Australian ex-service man or woman who dies in destitute circumstances. The Department of Veteran Affairs should be contacted for the current details of the benefit payable in a particular case.

## **12. Requests for Financial Assistance after the Funeral has been performed**

Where the funeral service has already been conducted, and persons otherwise responsible for the funeral arrangements claim financial difficulty, a petition may be submitted to the relevant Area Health Service for an ex gratia contribution to that cost. Chief Executives have limited delegation to approve the provision of financial aid to impoverished families to assist with already incurred burial costs of relatives. All other ex gratia payments are to be referred to the Department of Health.

The petition should take the form of a covering letter requesting assistance and the circumstances for the request. In addition all petitioners must supply a signed statutory declaration witnessed by a Justice of the Peace, which states:

- a complete listing of the assets of the deceased;
- a complete listing of assets, income, expenditure of the remaining relatives;
- a copy of the funeral director’s invoice. If the invoice has been fully paid, it would be in very exceptional circumstances that any assistance would be offered;
- a copy of the death certificate;
- details of any financial assistance provided by charities, Centrelink or any other source; and
- details of any arrangement made with the funeral director to pay off the debt.

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It should be noted, as per the Combined Delegations Manual (Delegation F91), that the Chief Executives of all Area Health Services are authorised to approve of ex gratia payments under this delegation within specified limits. Chief Executives are required to submit an annual return each financial year of the actual payments made to the Chief Financial Officer, Department of Health. The return for each year must include the following details;

- recipient;
- value of ex gratia payment;
- full cost of funeral as claimed by recipient; and
- number of claims rejected without any ex gratia payment made.

The Department will therefore no longer have primary administrative and financial liabilities associated with destitute burials and ex gratia payments. To facilitate the management by Area Health Services of all future claims for destitute burials and ex gratia payments the Department is providing annualised budget supplementation to Area Health Services from 1 July 2007 based on average annual costs over the previous 3 years.

Professor Debora Picone AM  
**Director-General**

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**Attachment 1**

Public Health Unit	Mailing Address	Phone contact (work hours)	Fax contact (work hours)	After hours contacts
<b>Greater Southern AHS</b>	<b>Goulburn Office</b>	02 4824 1837	02 4824 1831	02 6021 4799 (diverts to Albury Base Hospital) - ask for the Environmental Health Officer on call
Public Health Unit	Locked Bag 11		02 4824 1838 (secure)	
	Goulburn 2580			
	<b>Queanbeyan Office</b>	02 6124 9934	02 6124 9946	02 6021 4799 (diverts to Albury Base Hospital) - ask for the Environmental Health Officer on call
	PO Box 1845			
	Queanbeyan 2620			
	<b>Albury Office</b>			
	PO Box 3095	02 6021 4799	02 6021 4899	02 6021 4799 (diverts to Albury Base Hospital) - ask the Environmental Health Officer on call
	Albury 2640			
	<b>Wagga Wagga</b>			02 6021 4799 (diverts to Albury Base Hospital) - ask the Environmental Health Officer on call
	PO Box 201			
	Wagga Wagga	02 6923 5755	03 6923 5751	
	2650			
<b>Greater Western AHS</b>	<b>Broken Hill Office</b>	08 8080 1499	08 8080 1683	08 8080 1333 (Broken Hill Base Hospital) - ask for the Senior Environmental Health Officer on call
Centre for Population Health	PO Box 457		08 8080 1196 (secure)	or on call mobile 0417 685 259
	Broken Hill 2880			
	<b>Dubbo Office</b>	02 6841 5569	02 6841 5571 (secure)	02 6885 8666 (Dubbo Base Hospital) - ask for the Senior Environmental Health Officer on call
	PO Box 739			or call 0418 866 397 - ask for the Senior Environmental Health Officer on call
	Dubbo 2830			
	<b>Bathurst Office</b>	02 6339 5601	02 6339 5173 (secure)	0428 400 526 - ask for the Senior Environmental Health Officer on call
	PO Box 143			
	Bathurst 2795			
<b>Hunter / New England AHS</b>	<b>Newcastle Office</b>	02 4924 6477	02 4924 6490 (secure)	02 4924 6477 (diverts to John Hunter Hospital) - ask for Public Health Officer on call
Hunter Population Health	Locked Bag 10			if no answer, phone 016301965 and ask for Public Health Physician on call
	Wallsend 2287			

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	<b>Tamworth Office</b>	02 6767 8630	02 6766 3003	02 6767 8630 (diverts to Tamworth Base Hospital) - ask for Public Health Officer on call
	PO Box 597			if no answer, phone 016301965 and ask for Public Health Physician on call
	Tamworth 2340			
<b>Justice Health Service</b>	PO Box 150	02 9214 6229	02 9289 2494 (secure)	02 9311 2707 - ask for Nurse Manager
Public Health Unit	Matraville 2036	(Public Health coordinator/CNC)		
<b>North Coast AHS</b>	<b>Port Macquarie Office</b>	02 6588 2750	02 6588 2837	0407 271 498 - ask for Public Health Officer on call
Public Health Unit	PO Box 126			if no answer, phone 0417 244 966
	Port Macquarie 2444			
	<b>Lismore Office</b>	02 6620 7500	02 6622 2151	132222 pager number 397635
	PO Box 498		02 6620 2252 (secure)	if no answer, phone 0417 244 966
	Lismore 2480			
<b>Northern Sydney/Central Coast AHS</b>	<b>Hornsby Office</b>	02 9477 9400	02 9482 1650	02 9477 9123 (Hornsby Hospital) - ask for the Environmental Health Officer on call
Public Health Unit	c/- Hornsby Hospital		02 9482 1358 (secure)	
	Palmerston Rd			
	Hornsby 2077			
	<b>Gosford Office</b>	02 4349 4845	02 4349 4850 (secure)	02 4320 2111 (Gosford Hospital) - ask for the Environmental Health Officer on call
	PO Box 361			
	Gosford 2250			
<b>South Eastern Sydney / Illawarra AHS</b>	<b>Randwick Office</b>	02 9382 8333	02 9382 8334	02 9382 2222 (Prince of Wales Hospital) - ask for Public Health Nurse on call
Public Health Unit	Locked Bag 88		02 9382 8314 (secure)	
	Randwick 2031			
	<b>Wollongong Office</b>	02 4221 6700	02 4221 6722	02 4222 5000 (Wollongong Hospital) - ask for Public Health Officer on call
	Locked Bag 9		02 4221 6759 (secure)	
	Unanderra 2526			
<b>Sydney South West AHS</b>	<b>Eastern Zone</b>	02 9515 9420	02 9515 9440	02 9515 6111 (Royal Prince Alfred Hospital) - ask Public Health Officer on call
Public Health Unit	(Camperdown Office)		02 9515 9467 (secure)	
	PO Box 374			

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	Camperdown 2050			
	<b>Western Zone</b>	02 9828 5944	02 9828 5955	02 9828 3000 (Liverpool Hospital) - ask for Public Health Officer on call
	(Liverpool Office)			
	Locked Mail Bag 7017			
	Liverpool BC 1871			
<b>Sydney West AHS</b>	<b>Penrith Office</b>	02 4734 2022	02 4734 3300	02 9845 5555 (Westmead Hospital) - ask for Public Health Officer on call
Centre for Population Health	PO Box 63		02 4734 3444 (secure)	
	Penrith 2751			
	<b>Parramatta Office</b>	02 9840 3603	02 9840 3608	02 9845 5555 (Westmead Hospital) - ask for Public Health Officer on call
	Locked Bag 7118		02 9840 3591 (secure)	
	Parramatta BC 2150			



**AUTHORITY FOR BURIAL/CREMATION  
OF DECEASED DESTITUTE PERSON**

Public Health Unit: ..... Phone No .....

Report Date: .....

Police Officer: ..... Morgue Register/Book No: .....

**The Authority given for Cremation/Burial indicated below is based on  
Information received by the NSW Police Service.**

To: .....(Undertaker's Name)

You are hereby requested to provide a coffin and conveyance of the body of a ...(sex)  
person, named ..... lying dead at .....(morgue),  
and to arrange for .....(Cremation/Interment) without delay.

The account for the Department of Health is to be delivered to .....  
(Director, Public Health Unit) of .....  
.....(Area Health Service).

Authorised: .....(Signature)  
(Senior Environmental Health Officer)

Payment of Account No: .....

Approved: ..... Not Approved: .....

Note: This Authority must be returned to the Director, Public Health Unit as shown above.

I hereby certify that the remains of the late .....  
were buried/cremated on .....(date) and place in Grave No: .....  
OR .....(other).

Signature: ..... Date: .....

Address: .....