

# Queensland



## Subordinate Legislation 2003 No. 305

### *Funeral Benefit Business Act 1982* *Trust Accounts Act 1973*

# FUNERAL BENEFIT BUSINESS AMENDMENT REGULATION (No. 1) 2003

## TABLE OF PROVISIONS

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title . . . . .	3
2	Commencement . . . . .	3
<b>PART 2—AMENDMENT OF FUNERAL BENEFIT BUSINESS REGULATION 2000</b>		
3	Regulation amended in pt 2 . . . . .	3
4	Replacement of pt 2 hdg (Board) . . . . .	3
5	Replacement of s 3 (Definition for pt 2) . . . . .	3
3	Application of pt 2 . . . . .	3
6	Replacement of pt 3 hdg (Funeral benefit businesses of corporations registered at commencement of the Act) . . . . .	4
7	Replacement of s 14 (Definition for pt 3) . . . . .	4
14	Application of pt 3 . . . . .	4
8	Amendment of s 15 (Corporations to enter into agreements with contributors) . . . . .	4
9	Omission of s 21 (Limit on number of agreements) . . . . .	5
10	Omission of pt 4 (Registration of corporations to carry on funeral benefit business) . . . . .	5
11	Replacement of pt 5 hdg (Annual returns) . . . . .	5
12	Amendment of s 26 (Documents to accompany annual returns for preserved registration corporation) . . . . .	5

*Funeral Benefit Business Amendment Regulation No. 305, 2003*  
(No. 1) 2003

---

13	Amendment of s 27 (Documents to accompany annual returns for part 4 registration corporation) . . . . .	5
14	Replacement of pt 6 hdg (Accounts and funds) . . . . .	6
15	Insertion of new s 28A . . . . .	6
	28A Application of pt 6 . . . . .	6
16	Amendment of s 31 (Heading and particulars for trust receipt) . . . . .	6
17	Amendment of s 36 (Audit of benefit trust fund of preserved registration corporation) . . . . .	7
18	Amendment of s 37 (Audit report) . . . . .	7
19	Amendment of s 41 (Duties of a corporation) . . . . .	7
20	Replacement of pt 7 hdg (Miscellaneous) . . . . .	7
21	Insertion of new s 42A . . . . .	8
	42A Application of pt 7 . . . . .	8
22	Replacement of sch 1 (Fees) . . . . .	8
	<b>SCHEDULE 1</b>	
	<b>FEES</b>	
23	Amendment of sch 2 (Dictionary) . . . . .	9
	<b>PART 3—AMENDMENT OF TRUST ACCOUNTS REGULATION</b>	
	<b>1999</b>	
24	Regulation amended in pt 3 . . . . .	9
25	Replacement of pt 2 (Supervising entity for trustee who is a solicitor) . . . .	9
	<b>PART 2—SUPERVISING ENTITY</b>	
2	Supervising entity for application of Funeral Benefit Business Act 1982 . . . . .	10
2A	Supervising entity for a trustee who is a solicitor . . . . .	10

## **PART 1—PRELIMINARY**

### **1 Short title**

This regulation may be cited as the *Funeral Benefit Business Amendment Regulation (No. 1) 2003*.

### **2 Commencement**

This regulation commences on 1 December 2003.

## **PART 2—AMENDMENT OF FUNERAL BENEFIT BUSINESS REGULATION 2000**

### **3 Regulation amended in pt 2**

This part amends the *Funeral Benefit Business Regulation 2000*.

### **4 Replacement of pt 2 hdg (Board)**

Part 2, heading—

*omit, insert—*

### **‘PART 2—BOARD FOR CORPORATIONS REGISTERED AT COMMENCEMENT OF THE ACT’.**

### **5 Replacement of s 3 (Definition for pt 2)**

Section 3—

*omit, insert—*

### **‘3 Application of pt 2**

‘This part applies to a part 3 corporation in relation to funeral benefit agreements entered into by the corporation and in force immediately before the commencement of the *Second-hand Dealers and Pawnbrokers Act 2003*, section 139.’.

**6 Replacement of pt 3 hdg (Funeral benefit businesses of corporations registered at commencement of the Act)**

Part 3, heading—

*omit, insert—*

**‘PART 3—EXISTING AGREEMENTS WITH  
CORPORATIONS REGISTERED AT  
COMMENCEMENT OF THE ACT’.**

**7 Replacement of s 14 (Definition for pt 3)**

Section 14—

*omit, insert—*

**‘14 Application of pt 3**

‘This part applies to a part 3 corporation in relation to funeral benefit agreements entered into by the corporation and in force immediately before the commencement of the *Second-hand Dealers and Pawnbrokers Act 2003*, section 139.’.

**8 Amendment of s 15 (Corporations to enter into agreements with contributors)**

(1) Section 15, heading—

*omit, insert—*

**‘Certificate of contributions paid’.**

(2) Section 15(1), (2) and (3)—

*omit.*

(3) Section 15(4), ‘If the’—

*omit, insert—*

‘If a’.

(4) Section 15(4), ‘the agreement’—

*omit, insert—*

‘a funeral benefit agreement’.

(5) Section 15(4), penalty, ‘for subsection (4)’—  
*omit.*

**9 Omission of s 21 (Limit on number of agreements)**

Section 21—

*omit.*

**10 Omission of pt 4 (Registration of corporations to carry on funeral benefit business)**

Part 4—

*omit.*

**11 Replacement of pt 5 hdg (Annual returns)**

Part 5, heading—

*omit, insert—*

**‘PART 5—ANNUAL RETURNS FOR REGISTERED  
CORPORATIONS’.**

**12 Amendment of s 26 (Documents to accompany annual returns for preserved registration corporation)**

(1) Section 26, heading, ‘**preserved registration**’—

*omit, insert—*

**‘part 3’.**

(2) Section 26, ‘preserved registration’—

*omit, insert—*

**‘part 3’.**

**13 Amendment of s 27 (Documents to accompany annual returns for part 4 registration corporation)**

(1) Section 27, heading, ‘**registration**’—

*omit.*

(2) Section 27, ‘registration’—

*omit.*

(3) Section 27(c)(ii)—

*omit, insert—*

‘(ii) a statement of the corporation’s investments for the funeral benefit business at the end of the financial year.’.

(4) Section 27(d)—

*omit.*

#### **14 Replacement of pt 6 hdg (Accounts and funds)**

Part 6, heading—

*omit, insert—*

#### **‘PART 6—ACCOUNTS AND FUNDS FOR REGISTERED CORPORATIONS’.**

#### **15 Insertion of new s 28A**

Part 6—

*insert—*

#### **‘28A Application of pt 6**

‘This part applies to a registered corporation in relation to funeral benefit agreements entered into by the corporation and in force immediately before the commencement of the *Second-hand Dealers and Pawnbrokers Act 2003*, section 139.’.

#### **16 Amendment of s 31 (Heading and particulars for trust receipt)**

(1) Section 31(a)(i), ‘preserved registration’—

*omit, insert—*

‘part 3’.

(2) Section 31(a)(ii), ‘registration’—  
*omit.*

**17 Amendment of s 36 (Audit of benefit trust fund of preserved registration corporation)**

(1) Section 36, heading, ‘**preserved registration**’—  
*omit, insert—*

**‘part 3’.**

(2) Section 36, ‘preserved registration’—  
*omit, insert—*

‘part 3’.

**18 Amendment of s 37 (Audit report)**

Section 37(2)(k), ‘registration’—  
*omit.*

**19 Amendment of s 41 (Duties of a corporation)**

(1) Section 41, heading, after ‘a’—  
*insert—*

**‘part 4’.**

(2) Section 41(1), from ‘if’ to ‘account’—  
*omit, insert—*

‘if a part 4 corporation’.

**20 Replacement of pt 7 hdg (Miscellaneous)**

Part 7, heading—  
*omit, insert—*

**‘PART 7—OTHER PROVISIONS FOR REGISTERED CORPORATIONS’.**

## 21 Insertion of new s 42A

Part 7—

*insert—*

### ‘42A Application of pt 7

‘This part applies to a registered corporation in relation to funeral benefit agreements entered into by the corporation and in force immediately before the commencement of the *Second-hand Dealers and Pawnbrokers Act 2003*, section 139.’.

## 22 Replacement of sch 1 (Fees)

Schedule 1—

*omit, insert—*

# ‘SCHEDULE 1

## ‘FEES

section 52

	\$
1. Application to amend registered rules—	
(a) for each rule to be amended. . . . .	11.80
(b) maximum fee. . . . .	71.00
2. Inspection at the registry of the registered rules, and the documents relating to registration, of a registered corporation. . . . .	8.70
3. Certified copy of certificate of registration of a registered corporation to carry on a funeral benefit business. . . . .	8.70
4. Copy of, or extract from, a document lodged with the registrar—	
(a) for the first page. . . . .	5.80
(b) for each additional page. . . . .	1.00



	\$
5. Certified copy of, or certified extract from, a document lodged with the registrar—	
(a) for the first page . . . . .	8.70
(b) for each additional page . . . . .	1.00
6. Lodging notice of change of registered office of a registered corporation . . . . .	10.30
7. Lodging notice of change of secretary of a registered corporation . . . . .	10.30
8. Lodging notice of change of name of a registered corporation—in addition to a fee under item 2 . . . . .	10.30
9. Approval by the registrar of an advertisement by a registered corporation . . . . .	20.30*

### **23 Amendment of sch 2 (Dictionary)**

Schedule 2, definitions “corporation”, “part 4 registration corporation”, “preserved registration corporation” and “registered corporation”—

*omit.*

## **PART 3—AMENDMENT OF TRUST ACCOUNTS REGULATION 1999**

### **24 Regulation amended in pt 3**

This part amends the *Trust Accounts Regulation 1999*.

### **25 Replacement of pt 2 (Supervising entity for trustee who is a solicitor)**

Part 2—

*omit, insert—*

## **‘PART 2—SUPERVISING ENTITY**

### **‘2 Supervising entity for application of Funeral Benefit Business Act 1982**

‘For the application of the Act under the *Funeral Benefit Business Act 1982*, section 80,<sup>1</sup> the registrar of funeral benefit businesses appointed under section 6 of that Act<sup>2</sup> is the supervising entity for a trustee.

#### **‘2A Supervising entity for a trustee who is a solicitor**

‘The Queensland Law Society Incorporated is the supervising entity for a trustee who is a solicitor.’

---

#### ENDNOTES

1. Made by the Governor in Council on 27 November 2003.
2. Notified in the gazette on 28 November 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Office of Fair Trading.

---

1 *Funeral Benefit Business Act 1982*, section 80 (Application of Trust Accounts Act 1973)

2 *Funeral Benefit Business Act 1982*, section 6 (Registrar)