



Queensland

# Fair Trading (Funeral Pricing) Regulation 2022

## Subordinate Legislation 2022 No. 5

made under the

*Fair Trading Act 1989*

*State Penalties Enforcement Act 1999*

## Contents

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|               |  | Page |
|---------------|--|------|
| <b>Part 1</b> | <b>Preliminary</b>   |      |
| 1             | Short title .....  | 2    |
| 2             | Commencement .....   | 2    |
| 3             | Definition .....   | 2    |
| <b>Part 2</b> | <b>Requirements to provide information</b>   |      |
| 4             | Display and provision of funeral information to prospective customers                | 2    |
| 5             | Provision of information to consumers about proposed agreement                       | 4    |
| <b>Part 3</b> | <b>Amendment of State Penalties Enforcement Regulation 2014</b>                      |      |
| 6             | Regulation amended .....   | 5    |
| 7             | Amendment of sch 1 (Infringement notice offences and fines for nominated laws) ..... | 5    |

[s 1]

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Fair Trading (Funeral Pricing) Regulation 2022*.

### 2 Commencement

This regulation commences on 1 July 2022.

### 3 Definition

In this regulation—

*funeral director* means a person who, for reward, arranges the collection, transport, storage, preparation or embalming of bodies for the purpose of burying or cremating the bodies.

## Part 2 Requirements to provide information

### 4 Display and provision of funeral information to prospective customers

- (1) A funeral director must prominently display the funeral information in relation to the goods and services offered for supply by the funeral director—
  - (a) at each place of business of the funeral director; and
  - (b) on any public website maintained by the funeral director.

Maximum penalty—20 penalty units.

- (2) Subsection (3) applies if a person asks a funeral director about the goods and services offered for supply by the funeral director.

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- (3) The funeral director must give the person the funeral information in relation to the goods and services offered for supply by the funeral director before the earlier of the following—
- (a) the expiry of 48 hours after the person asked for the information or, if a longer period is agreed between the funeral director and the person, the longer period;
  - (b) an agreement is entered into with the person for the supply of goods and services by the funeral director.

Maximum penalty—20 penalty units.

- (4) In this section—

***funeral information***, in relation to the supply of goods and services by a funeral director for the burial or cremation of a body, means all of the following information—

- (a) the price for the following goods or services offered by the funeral director—
  - (i) the transport of the body before burial or cremation;
  - (ii) the storage of the body at a mortuary or holding room;
  - (iii) the hire of a refrigeration plate;
  - (iv) each type of coffin, casket or shroud, or the price range for all coffins, caskets or shrouds, offered for supply by the funeral director;
  - (v) the care and preparation of the body before burial or cremation;
  - (vi) a viewing of the body before burial or cremation;
  - (vii) the arrangement and conduct of a funeral service, including the hire of a venue;
  - (viii) the burial or cremation of the body;
- (b) the location of the mortuary or crematorium used by the funeral director;

[s 5]

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- (c) if the funeral director does not own or manage the mortuary or crematorium mentioned in paragraph (b)—the name of the owner or manager of the mortuary or crematorium;
- (d) a reasonable estimate of the following disbursements—
  - (i) the cost of obtaining a death certificate from the registrar under the *Births, Deaths and Marriages Registration Act 2003*;
  - (ii) the costs of obtaining any certificates or permits required under an Act in relation to the body, including, for example, a permission to cremate the body under the *Cremations Act 2003*, section 6;
  - (iii) any fee charged by a cemetery or crematorium for the burial or cremation of a body;
- (e) the price of the least expensive combination of goods and services offered by the funeral director for the burial or cremation of a body;
- (f) how a body is transported by the funeral director before burial or cremation.

## 5 Provision of information to consumers about proposed agreement

A funeral director must not enter into an agreement with a person in relation to the supply of goods and services for the burial or cremation of a body unless the funeral director has given the following information to the person—

- (a) the price of each of the particular goods and services that will be supplied to the person under the agreement;
- (b) the cost of any disbursements that will be payable by the person under the agreement;
- (c) the total amount that will be payable by the person under the agreement.

Maximum penalty—20 penalty units.

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## Part 3 **Amendment of State Penalties Enforcement Regulation 2014**

### 6 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

### 7 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

Schedule 1—

*insert—*

## **Fair Trading (Funeral Pricing) Regulation 2022**

|        | Column 1                    | Column 2                                 |             |
|--------|-----------------------------|--|-------------|
|        | Infringement notice offence | Infringement notice fine (penalty units) |             |
|        |                             | Individual                               | Corporation |
| s 4(1) |                             | 2  | 10          |
| s 4(3) |                             | 2  | 10          |
| s 5    |                             | 2  | 10          |

**Authorised person for service of infringement notices**—an inspector appointed under the *Fair Trading Act 1989*, section 9

ENDNOTES

- 1 Made by the Governor in Council on 10 February 2022.
- 2 Notified on the Queensland legislation website on 11 February 2022.
- 3 The administering agency is the Department of Justice and Attorney-General.

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