



Queensland

Funeral Benefit Business Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 140

made under the

Funeral Benefit Business Act 1982

General outline

Short title

Funeral Benefit Business Amendment Regulation (No. 1) 2013.

Authorising law

Section 88 of the *Funeral Benefit Business Act 1982* (the Act).

Policy objective and reasons for it

The policy objective of the regulation is to amend the *Funeral Benefit Business Regulation 2010* to implement the Webbe-Weller Review recommendation that the Board of Trustees be abolished and its functions transferred to the administering Department (recommendation 126).

The Webbe-Weller review of Queensland Government boards, committees and statutory authorities took place between July 2008 and March 2009. The aim of the review was to reduce bureaucracy and unnecessary red tape, improve the overall efficiency of government bodies and maintain the integrity and security of necessary regulatory functions.

The *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013* amended section 9 to remove the board of trustees as administrators of the Funeral Benefit Trust Fund (the Trust Fund). The board of trustees was replaced by the Registrar. The Board consisted of the Registrar (who is currently the Director-General of the Department of Justice and Attorney-General), the State Actuary or their representative, a representative of the Treasurer and an industry representative.

The *Funeral Benefit Business Regulation 2010* includes a section (Part 2) which outlines duties of the Board members and how meetings are to be conducted. This section is no longer required as meetings will no longer take place. Procedures for the assessment and payment of claims will be outlined in an internal procedures and policy document. The Regulation also makes reference to the Board of Trustees and their requirements as established under the amended section 9(2) of the Act.

Achievement of policy objective

Section 88 of the Act allows a regulation to be made.

The amendment regulation achieves the policy objective by removing Part 2 of the Regulation and to amend references to 'the trustees' which will no longer exist.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the Act which are to establish, consolidate and amend the law relating to funeral benefit businesses.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objective

There is no alternative way to achieve the policy objective. The Regulation must be amended to reflect the abolition of the Board.

Benefits and costs of implementation

There is no cost associated with the implementation of the amendment regulation.

The Board of Trustees consisted of four members appointed by Governor in Council of which only the representative of the corporations receives remuneration for meeting attendance. During 2011-12, the corporation representative received \$1,135 in remuneration. This cost will be saved upon abolition of the Board.

The Trust Fund covers the cost of secretariat and administrative support provided by the Office of Fair Trading and the corporations, as well as revaluation and investment costs and bank fees.

The Trust Fund will continue to be valued by the State Actuary and upon recommendation of the State Actuary, a direction may be issued by the chief executive to a corporation to effect changes to amounts that may be payable from the Trust Fund.

Claims will be processed internally in a more flexible manner, and the Department of Justice and Attorney-General will continue to administer the Trust Fund.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles.

Consultation

The Office of Queensland Parliamentary Council (OQPC) was consulted on the drafting of the legislation and regulation amendments.

The Webbe-Weller Review consulted with key stakeholders (business, community and government). Stakeholders made submissions to the review and their views were considered in developing the recommendation.

Funeral Corporation members were consulted on the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013* and the explanatory notes which contained the Act amendments.

The Department of the Premier and Cabinet, Queensland Treasury and Trade and the Regulatory Review Branch were consulted and have no concerns about making the amendment regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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