



## New Funeral Costs Disclosure Rules for NSW

***The NSW Government has announced new rules for the funeral industry which will make it easier for people to access price information when planning a funeral.***

While it may be technically possible to legally arrange almost all aspects of a funeral without using the services of a funeral director, practically and emotionally most people choose to engage a funeral director to help navigate the sometimes confusing legal requirements and the logistics involved at a time of grief.

For many years though, consumer groups have shone a spotlight on high cost of funerals and on the practices of the funeral industry, which has been accused of providing overpriced and unnecessary products, quoting a wide range of prices for the same service and causing confusion for consumers.

Until now little has been done to address these industry activities and the existing regulations in NSW have only required that funeral directors disclose a price list for a basic funeral service – and then only if they offered one. The new rules being introduced by the State government will provide a pricing regulation that will ensure greater transparency and easier decisions for bereaved consumers dealing with funeral costs during a difficult time.

### The new rules

The new regulations are contained in the Fair Trading Regulation 2019 and become effective from 1 February 2020. They will allow consumers to compare services offered across the funeral industry by every funeral director by introducing an expanded funeral goods and services information standard for easier price comparison for like products and services. This will ensure people have access to clear and concise pricing information for all goods and services.

The regulations also include provisions requiring funeral directors to:

- give a cost-itemised quote, in writing, to a consumer before entering an agreement to carry out their funeral services;
- display their price lists at each place of business and prominently on their websites, if they have one;
- display the cost of their least expensive package; and
- disclose whether mortuary or crematorium services are managed by an external supplier.

### Enforcing the new rules

If funeral directors fail to comply with the information standard requirements, they can be fined \$550 for each offence. In serious cases, they may be prosecuted under the Fair Trading Act where the maximum penalties payable if they are



convicted is \$22,000 for an individual or \$110,000 for a corporation.

NSW Fair Trading will be responsible for enforcing the new regulations which form part of the NSW Fair Trading Act. The new rules are compulsory and apply to all NSW funeral directors and any business in NSW that arranges and conducts funerals. Complaints about breaches of the rules can be made with NSW Fair Trading, either online or by phone.

Arranging a funeral can be an emotional and time-sensitive process. When coping with grief and arranging a funeral, people are seemingly reliant on funeral suppliers and have been limited in their ability to shop around. The new rules are a step in the right direction and will make it easier for people to find options that are fair, affordable and appropriate.

***If you need advice about your rights when dealing with a funeral director or require assistance with the administration of an Estate, please contact [John Bateman](mailto:John.Bateman@batemanbattersby.com.au) or [Lisa Delalis](mailto:Lisa.Delalis@batemanbattersby.com.au) at our office on 02 4731 5899 or email [willsstates@batemanbattersby.com.au](mailto:willsstates@batemanbattersby.com.au).***