



AUSTRALIAN  
FUNERAL  
DIRECTORS  
ASSOCIATION

Australian Funeral Directors  
Association Limited  
Level 1, 700 High Street  
(PO Box 291)  
KEW EAST VIC 3102

The Hon. Frank Pangallo MLC  
Member of the Legislative Council  
Parliament House  
North Terrace  
ADELAIDE SA 5000

3 September 2021

Dear Mr Pangallo,

**Re: IPART FINAL REPORT – FINDINGS and CONCLUSIONS**

Thank you for the opportunity to provide feedback to the proposed draft Funeral Industry Bill which the Australian Funeral Directors Association (AFDA) submitted on Monday 30 August 2021. AFDA is generally supportive of your intention of increasing professional standards in the industry, as well as increasing both pricing and operational transparency. However, the opportunity to discuss some of the practicalities, implementation and impacts proposed in the draft Funeral Industry Bill would be most appreciated.

Additional to AFDA's feedback to the proposed draft Funeral Industry Bill, I have, for your convenience, attached the recently released final report – Competition, Costs and Pricing in the NSW Funeral Industry by the Independent Pricing and Regulatory Tribunal (IPART) NSW.

**Conclusions and Findings from the IPART (NSW) Final Report, released August 27th, 2021:**

IPART concluded that there is no need for additional regulation in the Funeral Industry, and that the existing regulatory arrangements are largely fit for purpose and appropriate.

In particular, IPART found:

“There is no need for additional regulation or licensing of the funeral industry as an occupation, but compliance with existing regulation must be enforced...”

The competitive funeral market is already providing high industry standards. Licensing and additional regulation would add to the costs of the industry, impede innovation and not support competition, choice or affordability in the funeral market.

There may be scope for reduced regulation of the transport and disposition of the deceased.”, and:

“There is no need for additional regulation of ways to pay for funerals, but there is scope for further improvements to consumer education in this area. Recently strengthened regulatory arrangements in this area include greater regulation of funeral insurance sellers to protect vulnerable consumers, and new powers for ASIC to intervene in products where there is a risk of consumer harm. The NSW and Australian governments have also increased

consumer education about funeral insurance and other payment issues. We are recommending the NSW Government and NSW Fair Trading make further improvements in this area.” Finally:

“There is insufficient justification for a single funeral industry regulator, as some stakeholders have called for. In our view, it is more effective for funeral consumer issues to be dealt with by NSW Fair Trading, funeral-related health issues to be dealt with by NSW Health, and funeral financial issues to be dealt with by financial regulators.”

Additionally, AFDA supports the recommendations of the IPART report.

### **Final Recommendations**

1. That NSW Government agencies publishing information about organising funerals optimise their websites for search engines, to enable information to be readily found by consumers doing internet searches.
2. That the NSW Government’s Life events webpage be made the primary site for comprehensive information about the process after a death occurs, with other websites linking the relevant sections of the process.
3. That NSW Fair Trading develop a consumer guide that:
  - encourages consumers to contact more than one funeral provider, or view the price lists of funeral websites, before agreeing to transfer the person who has died into the care of a funeral provider
  - includes a checklist and questions to ask funeral providers to assist consumers quickly obtain more than one quote
  - includes information about the legal requirements of conducting a funeral without the assistance of a funeral provider, as well as any forms required (e.g., the form to register the death, application for shrouded burials and application for cremation)
  - The consumer guide should be published on the NSW Government’s Life events webpage and could also be provided at hospitals, aged care homes or social services organisations.
4. That NSW Health and Births Deaths and Marriages NSW digitise relevant forms such as authority to collect deceased, application for shrouded burials and application for cremation to allow families to complete and submit them electronically.
5. That, to improve compliance with the funeral information standard, NSW Fair Trading amend its website and FAQ information about the standard to:
  - provide examples of what constitutes ‘prominent display’
  - clarify what constitutes a public website for the purposes of the standard
  - include a definition of the ‘least expensive funeral package’ to clarify that it is an estimate of the total minimum price for the least expensive combination of products a funeral provider offers to customers, whether or not the funeral provider defines that combination of products as a ‘package’
  - provide guidance for the different business models that are captured under the definition of ‘funeral director’.

## Final Findings

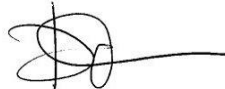
1. That NSW funeral markets are workably competitive.
2. That the NSW crematoria market is workably competitive.

Thank you for the opportunity to once again provide information during the review process of the proposed draft Funeral Industry Bill. If you are available to meet the week of 6th – 10<sup>th</sup> of September via ZOOM, or at your earliest convenience, this would be most appreciated.

Yours faithfully



Adrian Barrett  
National President



Dale Gilson  
Chief Executive Officer