



AUSTRALIAN COMPETITION
& CONSUMER COMMISSION

Funeral services sector

Competition and consumer issues

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Australian Competition and Consumer Commission
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Executive summary

The death of a friend or family member is a time of considerable distress. For those arranging a funeral, these circumstances can impact their usual decision-making abilities. Funeral providers have an important role in guiding consumers through this process.

Following the ACCC's recent prioritisation of competition and consumer issues in the funeral services sector we have reviewed reports received from consumers and conducted a survey of consumers and businesses, identifying six key issues of concern:



Pricing often lacks transparency and clarity and may mislead consumers, for example where providers do not advise consumers of all the costs associated with their services or label some charges in a way that suggests they are mandatory, when that is not the case.



Some standard form consumer contracts contain potentially unfair contract terms, including excessive interest rates or late fees for overdue accounts (an interest rate or fee may be considered excessive if it is not referable to the cost of recovering late payments).



Claims about being 'local' funeral businesses may mislead consumers (where businesses are in fact subsidiaries of larger corporations).



Failing to fulfil prior commitments regarding prepaid funeral products and services harms consumers, who may struggle to enforce their contractual rights and may even be asked to make unexpected additional payments to the funeral business.



Non-disclosure of payments in return for third-party endorsements from comparison websites or health service providers can mislead consumers and may have a detrimental impact on the broader competitive process.



Bundling or tying that limits consumers' access to funeral products or services and may restrict competing businesses' access to customers.

The ACCC has already taken enforcement action in relation to some of these issues, including:

- In March 2021, WT Howard Funeral Services and Coventry Funeral Homes, trading as Fitzgerald's Funerals, each paid a penalty of \$12,600 after the ACCC issued both businesses with infringement notices for allegedly making a false or misleading representation about their ownership.
- In September 2021, Alex Gow Funerals paid a penalty of \$13,320 after the ACCC issued an infringement notice for an alleged false or misleading representation about the price of its funeral services and the fees that consumers are required to pay. Alex Gow Funerals has also amended its invoices to ensure they accurately describe relevant fees.
- In November 2021, Bare Funeral Group, trading as Bare Cremation, paid a penalty of \$13,320 after the ACCC issued an infringement notice for allegedly making a false or misleading representation on its website about the 'minimum price' for cremation only and memorial services, in circumstances where these prices were not available in the majority of geographic regions where the company operated, or for the vast majority of consumers.

The ACCC continues to investigate other funeral businesses and will take additional enforcement action where appropriate.

To avoid contravening the *Competition and Consumer Act 2010* (CCA) and the Australian Consumer Law (ACL), the ACCC strongly encourages businesses in the sector to consider these issues and review their:

- promotional material
- internal processes such as staff training manuals and salespersons' scripts
- template documents such as quotes, contracts and invoices.

Understanding competition and consumer issues in the sector

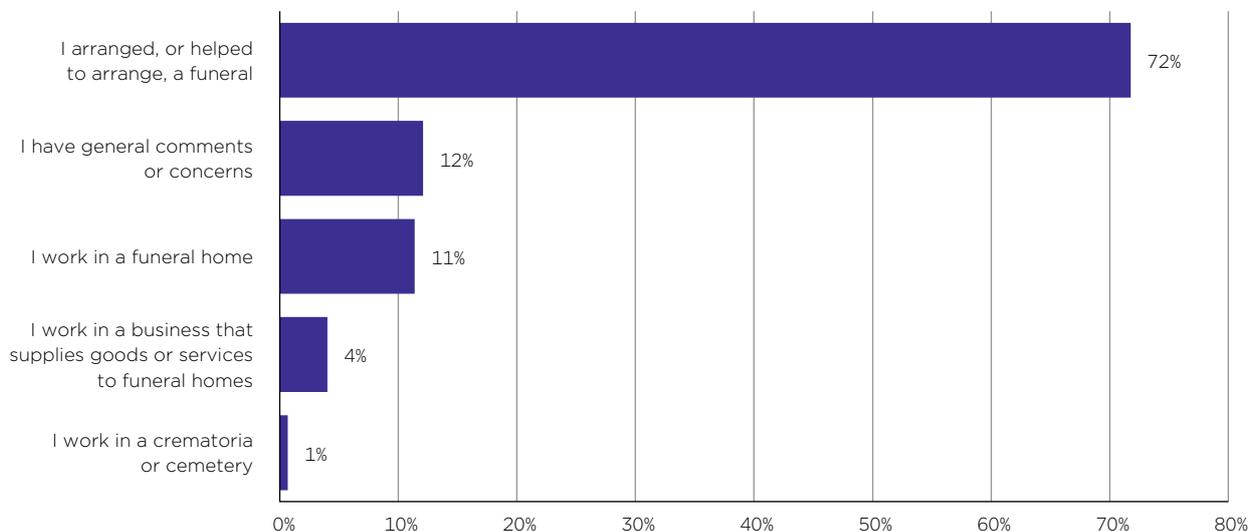
The ACCC gathered the information analysed in this report from a variety of sources, including:

- an online survey, which the ACCC conducted in March and April 2021 (the survey invited consumers and industry participants to share information about their experiences in the funeral services sector – see below for further information)
- consumer and industry associations' responses to the ACCC's March 2021 voluntary information requests, which sought additional information about how the sector operates
- information and documents (including a number of standard form contracts), which were reported to the ACCC's Infocentre by various external stakeholders
- information obtained during the ACCC's recent enforcement investigations,¹ and case studies about ACCC enforcement outcomes.

The ACCC survey

In March and April 2021, the ACCC conducted an online survey to obtain information about the experiences of consumers and businesses with the funeral services sector. The survey invited individuals who had experience arranging a funeral, worked in the funerals industry and other interested individuals to answer a series of questions about their experiences. Figure 1 below outlines the nature of respondents' interest in the ACCC survey.

Figure 1: Survey responses – respondents' interest in the survey



Source: ACCC consumer survey re the Funeral Services Sector, March 2021 n=570.

As illustrated in figure 1 above, most survey responses were from people who arranged or helped arrange a funeral. The majority of responses were from people located in Queensland, New South Wales and Victoria.

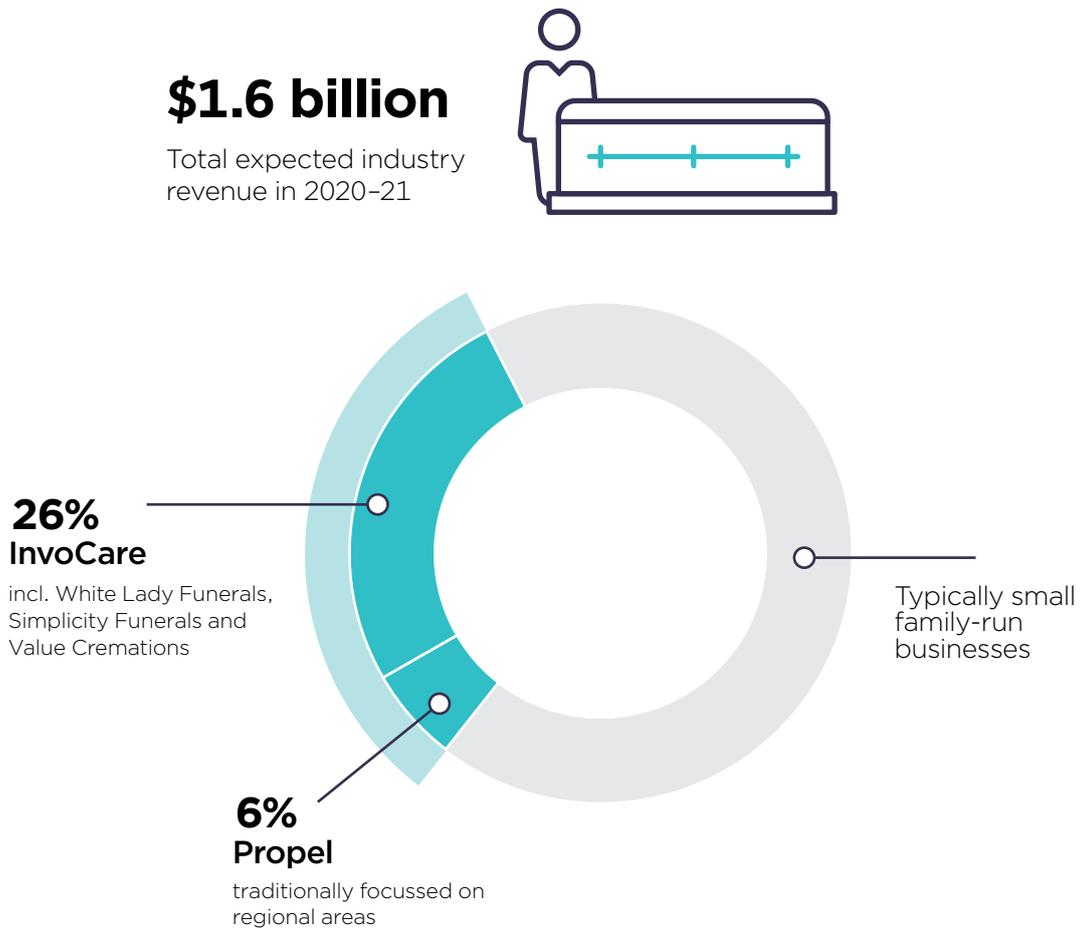
¹ The ACCC notes that information provided to the ACCC pursuant to statutory information powers under section 155(1)(a) of the CCA was not reproduced, or otherwise relied upon for the purpose of this report.

Funeral sector profile

Industry snapshot

Most Australians will have to organise at least one funeral in their lifetimes, with demand for funeral services reasonably steady (being linked to the number of deaths in Australia each year).

Two publicly listed corporations account for almost **one third** of the industry.



Cost of funeral services

The cost of a funeral service can vary significantly depending on the products and services that are included, the ceremony's location and whether the service is marketed as 'premium' or budget.

Cremation has been steadily growing in popularity throughout Australia, partly due to changing religious practices, but also because it is significantly cheaper than burial. Cremation is reported to be the preferred option for two-thirds of funeral services in Australia.



A simple, no service cremation may cost as little as **\$4,000**. A full service burial may cost up to **\$20,000**.

Regulation of the funeral services sector

Businesses within the funeral services industry, like other service providers, are subject to a range of legal obligations, including the competition and consumer laws contained within the CCA and ACL.

The funeral services sector is also subject to a range of industry-specific regulations within each state and territory, which are for the most part enforced by each jurisdiction's consumer protection or fair trading organisation. For example:

- Western Australia is the only state that requires funeral directors to be licensed
- Victoria requires the registration of businesses that provide funeral services, but not individual funeral directors
- New South Wales and Victoria require funeral providers to disclose and display itemised price lists for each of their services
- Queensland, Western Australia and the Australian Capital Territory have mandatory codes of conduct, with varying levels of requirements and enforceability.

Consumers may consider a 'licensed' funeral director to have superior services or expertise when compared with an 'unlicensed' competitor. For this reason, funeral directors should avoid promoting themselves as 'licensed', unless they operate in a jurisdiction where this is a requirement, i.e. Western Australia (as at the date of this report).

Recent regulatory developments

In New South Wales, the Independent Pricing and Regulatory Tribunal (IPART) has concluded two reviews regarding the funeral services sector:

- In November 2020, IPART released its Review of the Costs and Pricing of Interment in NSW final report.² The report recommended certain reforms to the interment industry aimed at delivering prices that are affordable and equitable, financially sustainable for cemeteries and transparent for consumers.
- In August 2021, IPART released its Review of Competition, Costs and Pricing in the NSW Funeral Industry final report.³ The report found that while the NSW funerals and crematoria markets are workably competitive, consumers often find the process of organising a funeral confusing. The report recommended that NSW Fair Trading ensure that all funeral providers comply with the existing regulation, and certain complementary improvements to funeral information on government websites, so that relevant information is more comprehensive, consistent and accessible.

In March 2021, Western Australia introduced a mandatory code of practice for prepaid funerals.⁴ The code aims to ensure that funds for future funerals are held by specified investment managers and managed within secure investments under the name of the client until they are required. The mandatory code also requires the contract to detail all goods and services to be provided, including the individual cost of each component and any fees to be included.

In August 2021, the Queensland Department of Justice and Attorney-General released an options paper on funeral price transparency.⁵ The options paper states that: 'Funeral price transparency is intended to ensure prices for goods and services are better disclosed and can be compared with alternatives, without the need initially to obtain a quote.'⁶ Consultation about next steps closed on 7 October 2021 and responses were still being considered when this report was published.

2 IPART, [Final Report - Review of Internment Costs and Prices](#), November 2020.

3 IPART, [Final Report - Competition, Costs and Pricing in the NSW Funeral Industry](#), August 2021.

4 [Fair Trading \(Prepaid Funerals Code of Practice\) Regulations 2020 \(WA\)](#).

5 Queensland Department of Justice and Attorney General, [Options Paper - Funeral Price Transparency](#), August 2021.

6 Queensland Department of Justice and Attorney General, [Options Paper - Funeral Price Transparency](#), August 2021.

Key issues identified in the Australian funeral services sector

1 Pricing often lacks clarity and transparency and may mislead consumers

The ACCC's recent investigations and numerous complaints from consumers and other industry stakeholders indicate a lack of clarity and transparency in pricing information provided by some businesses in the sector – particularly pricing information provided by funeral directors.

The following comments in response to the ACCC survey are examples of consumer confusion about pricing information supplied by some funeral businesses:

'Pricing information was not readily displayed and I had to phone every provider for information so I could evaluate them against each other. The options were not the same and were not easy to evaluate. I had to ask for itemised prices and to confirm what was included.'

Source: funeral services consumer, ACCC survey.

'There were extra costs involved in the price that appeared on the invoice. When the funeral home was questioned they said that was the price, after some negotiations they provided a small discount.'

Source: funeral services consumer, ACCC survey.

Consumers may be misled where providers do not include all relevant fees and charges that form part of the total amount payable for that service.

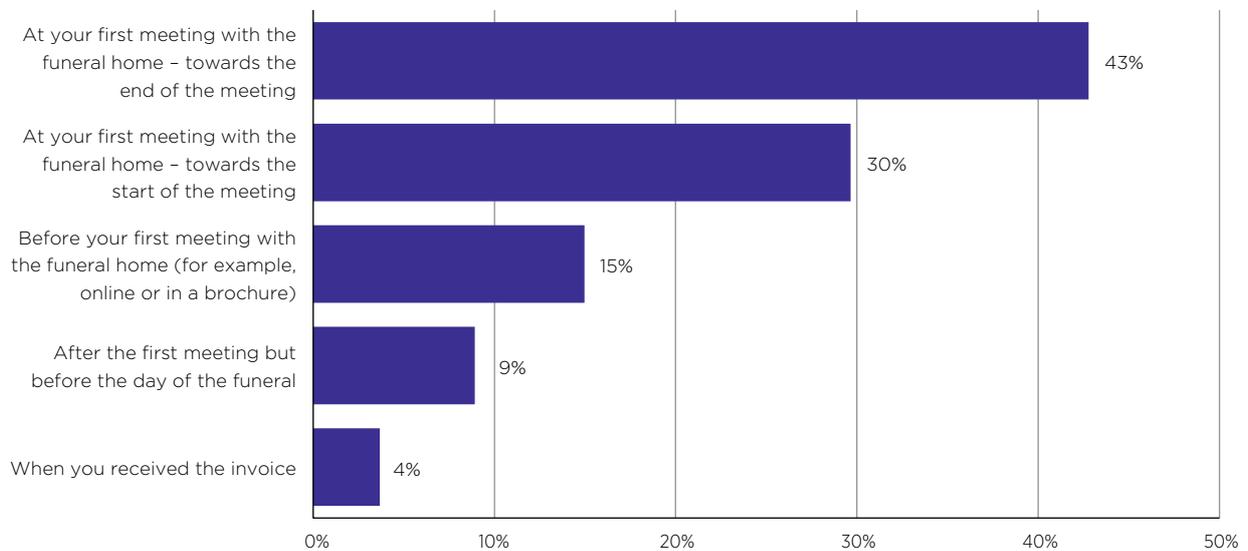
Box 1.1: Pricing clarity and transparency

The ACCC's analysis of consumer complaints, standard form contracts and other materials obtained during investigations suggests that many providers fail to advise consumers of all the costs associated with their services, or may label some charges in a way that suggests they are mandatory, when that is not the case. More specifically, the ACCC is concerned that certain funeral directors may have:

- failed to include GST in package prices and also failed to provide the final price in a clear manner
- failed to include all applicable fees that are required to conduct a funeral service – such as burial or cremation permits, death certificates and other administrative fees
- inappropriately advertised a price for products or services on a national or state-wide basis, despite that price only being available to a (limited number) of consumers in a specific geographic location
- inappropriately labelled late payment fees as 'estate fees', which inaccurately suggests that the fee is a mandatory cost associated with the provision of the funeral and cremation service, when it is in fact a penalty for late payment.

Figure 2 illustrates the approximate timing of funeral homes' disclosure of pricing information to consumers.

Figure 2: Timing of pricing information disclosure to consumers



Note: Figures may not add up due to rounding.

Source: ACCC consumer survey re the Funeral Services Sector, March 2021 n=381.

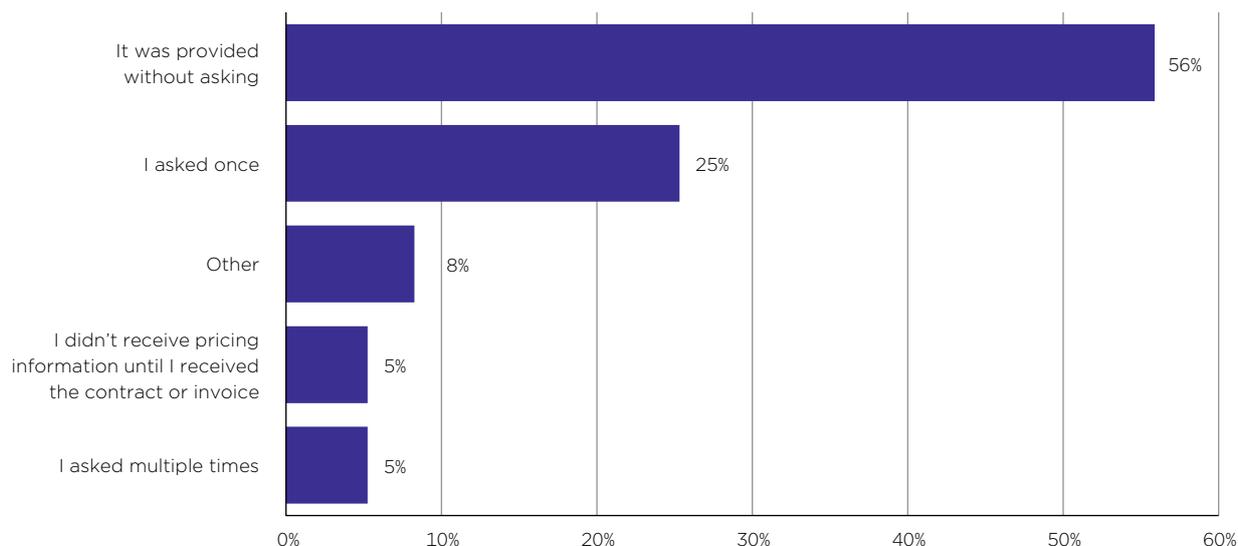
Figure 2 reveals that the majority of consumers (approximately 73%) reported receiving pricing information during their first meeting with the funeral provider. However, of concern to the ACCC, approximately 13% of respondents reported only receiving this information after their first meeting with the funeral director, or when they received the invoice itself.

The ACCC considers that in most circumstances, the latest that pricing information should be provided would be once the funeral director has developed an understanding of what the consumer is seeking (e.g. during their first substantive discussion or meeting with the consumer). While this estimate may be updated as funeral plans progress, consumers should be provided pricing as soon as reasonably possible.

If funeral businesses do not know what the unavoidable costs may be for a particular funeral at the time a quote is requested, the business should give consumers an estimate or range based on their experience in providing that service.

The relative responsiveness of funeral directors to consumer requests for pricing information was also highlighted by the ACCC's survey; see figure 3 below.

Figure 3: How pricing information was disclosed to consumers



Note: Figures may not add up due to rounding.

Source: ACCC consumer survey re the Funeral Services Sector, March 2021 n=399.

Figure 3 reveals that approximately 30% of survey respondents had to ask once or multiple times for pricing information to be disclosed and around 5% of survey respondents advised they didn't receive pricing information until they received the contract or invoice. It appears that only around 56% of survey respondents were provided pricing information without the need to first request it.

The ACCC considers that a lack of transparency in pricing from funeral services companies can make it difficult for consumers to understand and compare prices and inclusions for products and services – and even harder to compare different providers. This is particularly relevant in the funeral services sector, noting that the 'loss of a loved one is a time of grief and vulnerability often accompanied by an impaired ability to make informed decisions within a short period of time.'⁷

Box 1.2: Case studies – alleged false or misleading price claims in the funeral sector

Alex Gow Funerals: In September 2021, Alex Gow Funerals paid a penalty of \$13,320 after the ACCC issued an infringement notice for an alleged false or misleading representation about the price of its funeral services and the fees that consumers are required to pay. Alex Gow Funerals had a practice of including a fee referred to as an 'Estate Fee' in invoices it issued to consumers for funeral services despite it being a penalty that was only to be applied if the customer did not pay the invoice on time. Alex Gow Funerals has amended its invoices so that it no longer refers to an Estate Fee, and instead refers to a Late Payment Fee.

Bare Cremation: In November 2021, Bare Funeral Group, trading as Bare Cremation, paid a penalty of \$13,320 after the ACCC issued an infringement notice for allegedly making a false or misleading representation on its website about the 'minimum price' for cremation only and memorial services, in circumstances where these prices were not available in the majority of geographic regions where the company operated, or for the vast majority of consumers. Bare Cremation represented on its website that the price for a 'Cremation Only Service' was 'from \$1,299' and the price for a 'Bare Memorial Service' was 'from \$2,199' but the ACCC alleged that these prices were only available in one of the seventeen regions the company operates in. Bare Cremation has amended the descriptions on its website to accurately reflect the pricing available in different regions.

⁷ S Van Der Laan and L Moerman, *It's your funeral: An investigation of death care and the funeral industry in Australia* [PDF], University of Sydney Business School, 2017, p. 10.

Businesses should also be aware that in certain circumstances, if they take advantage of vulnerable consumers, for example, by unduly pressuring consumers to purchase more expensive products or services, or inflating the price of services beyond what was agreed, then this may constitute unconscionable conduct, which is prohibited by the ACL.⁸

The ACCC considers that funeral services companies should review how they present their pricing information and ensure it is as clear and transparent as reasonably possible. In particular, the ACCC considers that funeral companies should update relevant promotional material to:

- ensure that any advertisements featuring pricing information are inclusive of all applicable fees and taxes (including GST), and any other essential, unavoidable costs that are likely to apply
- limit any promotions about location-specific pricing to the geographic areas in which those offers apply.

In addition, the ACCC encourages funeral companies to update their business processes (including training manuals and salespersons' scripts) and template documents (including quotes, contracts and invoices), to ensure that prior to every funeral, businesses:

- inform consumers about what is – and is not – legally required to provide a funeral service
- provide consumers with itemised price lists, in writing and as soon as reasonably possible during any discussions with consumers
- provide consumers with an itemised quote (i.e. once agreement has been reached) that lists the full price of the funeral, inclusive of GST and other applicable taxes and charges, and provide consumers with copies of contractual documents.

2 Some standard form consumer contracts contain potentially unfair contract terms

The ACCC's recent investigations and numerous complaints from consumers and other industry stakeholders indicates there are issues with unfair contract terms in certain standard form contracts that are routinely provided to consumers.

Responses to the ACCC survey highlighted potentially problematic provisions within the sector's standard form contracts, for example:

'The funeral home was forthright in providing pricing but belated in providing payment options adding extreme angst to the mix when their consultant demanded payment by bank cheque in advance late in the day before the funeral service at a time when access to the deceased estate funds to obtain a bank cheque was only made possible because the branch office opened their doors after hours to issue the cheque. Thank god they did because funeral would not go ahead without the advance payment.'

Source: funeral services consumer, ACCC survey

Further examples of the some potentially problematic contract terms identified by the ACCC are provided in box 2.1 below.

⁸ Further information to help businesses recognise when they are dealing with disadvantaged or vulnerable consumers is available in the ACCC's compliance guide titled [Consumer vulnerability: A business guide to the Australian Consumer Law](#).

Box 2.1: Possible unfair contract terms in standard form consumer contracts

The ACCC's review of contracts in the industry identified a number of potentially unfair terms in certain industry participants' standard form contracts, including:

- terms that prescribe excessive interest rates and/or excessive late payment fees for overdue accounts (an interest rate or fee may be considered excessive if it is not referable to the cost of recovering late payments)
- terms that require consumers to indemnify funeral businesses for loss or damage in a very wide set of circumstances
- terms that require full payment in advance of a funeral service being provided in certain circumstances, such as where this limits the ability of consumers to recover their costs or other losses if performance of the contract is disputed
- terms that seek to impose obligations to make payments under the contract to parties who are not signatories to the contract
- terms that permit the funeral business to charge the consumer for additional services without the requirement to inform the consumer and seek their consent to add the cost
- terms that permit the funeral business to avoid performance of the contract or vary the date for performance of the contract at its sole discretion for any reason.

Unfair contract terms such as those described above provide funeral businesses with advantages or flexibilities under contracts that are not also available to consumers. Under the ACL, contract terms are void and unenforceable if they are determined to be unfair by a court.

Box 2.2: ACCC action on alleged unfair contract terms in the industry's standard form contracts

Alex Gow Funerals: the ACCC raised concerns with Alex Gow Funerals that its standard form contracts with consumers contained unfair contract terms. The terms the ACCC considered were unfair were:

- excessive interest fees for late payment
- broad indemnity clauses, which were not reasonably necessary to protect Alex Gow Funerals legitimate interest in recovering costs.

In response to the ACCC's concerns, Alex Gow Funerals has amended its contract terms and the ACCC decided to take no further action in response to its concerns about unfair contract terms. Funeral businesses should ensure that their contract and invoice terms and conditions are fair and reasonable, particularly given that many consumers may have limited experience engaging with the funeral industry and also given that consumers' selection of a provider is likely to be a time sensitive decision. Funeral businesses should not require excessive interest or fees for late payment of an invoice, nor generally require full payment for the funeral in advance, nor charge consumers for costs that they haven't agreed to.

3 Claims about being ‘local’ funeral businesses may mislead consumers

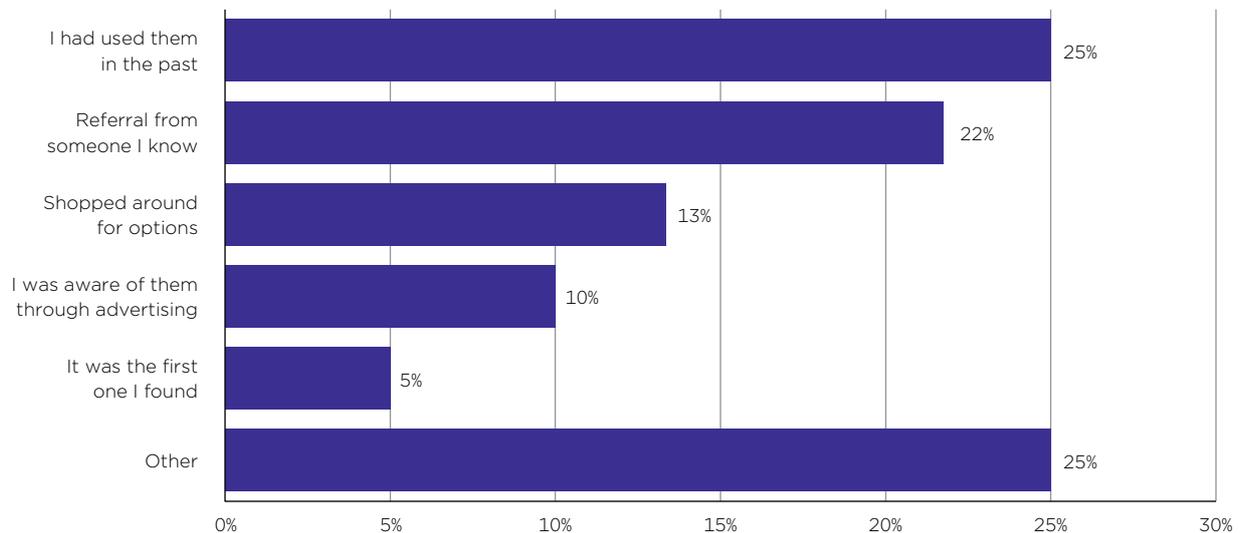
The ACCC has received a number of complaints about businesses incorrectly promoting themselves as being independent or family-owned, when in fact they are a subsidiary of a larger company. This issue is highlighted by the following consumer response to the ACCC survey:

‘It was only by calling each funeral provider to find out their prices (because they were not displayed online) that I found that the same receptionist answered the phone for Company A and Company B. When I questioned the receptionist, I found out that the service carried out by “two companies” was actually the SAME service and I was simply paying for the name and image of one funeral home over the other. I chose the cheaper option. This practice takes advantage of people when they are most vulnerable and in need of genuine support and guidance.’

Source: funeral services consumer, ACCC survey

Figure 4 below illustrates the reported reasons for consumer respondents’ ultimate choice of a funeral home.

Figure 4: Key reasons for choosing a funeral home



Source: ACCC consumer survey re the Funeral Services Sector, March 2021 n=382

As noted by figure 4 above, approximately 25% of consumer respondents nominated prior usage as the biggest reason for choosing a particular funeral home, with around 22% of consumer respondents identifying a ‘referral from someone I know’ and about 13% indicating that their selection was mostly because they had ‘shopped around for options’. Approximately 25% of consumer respondents selected ‘other’ in response to this survey question, with many of these respondents indicating (in their comments) that they chose a particular funeral home because it was prepaid, or requested by the deceased. A smaller sub-set of consumer respondents identified local residents’ ownership of a funeral home or alternatively, referrals from the deceased’s nursing home or hospital, as the most important reason they chose a particular funeral home.

Box 3.1: Case study – ACCC action on alleged misleading ownership claims

In March 2021 **WT Howard Funeral Services** and **Coventry Funeral Homes**, trading as Fitzgerald’s Funerals, each paid a penalty of \$12,600 after the ACCC issued each of the businesses with an infringement notice for allegedly making a false or misleading representation about their ownership.

WT Howard promoted on its website that it was ‘proudly local and independently owned’ while Coventry represented that ‘Fitzgerald’s Funerals in Townsville North Queensland is locally owned and operated’, when in fact both are owned by a publicly listed company, Propel. Propel is the second largest funeral service provider in Australia, providing over 13,000 funeral services in the 2020 financial year.

Not only are misleading ownership claims a potential ACL issue, they may also distort the competitive process for those consumers who would prefer to use an independent or family-owned business, rather than a subsidiary of a larger corporate entity.

The ACCC considers that funeral companies that are part of a larger corporate entity, particularly those that may have been acquired by that larger entity, should review their promotional material to ensure that it does not inaccurately describe their ownership structure.

4 Failing to fulfil prior commitments regarding prepaid funeral products and services harms consumers

Within the funeral services industry there are a number of products and services that can be pre-purchased for the convenience of consumers. Some examples include the pre-purchase of funeral or cremation services, burial plots, memorials or cremation niches which can be purchased many years in advance of being required. Consumer contracts that run over such long time periods are unusual and create compliance risks for funeral businesses.⁹

Box 4.1: Reported issues with pre-payment of funeral products and services

Consumers have reported a range of concerns regarding pre-payment in the sector, including:

- burial plots or cremation niches being purchased many decades in advance, however when the time came to bury relatives, cemeteries have not fulfilled the contracts or have not been able to locate proof of purchase of the plots
- funeral businesses changing ownership in the intervening decades since pre-payment of funeral products or services, with businesses keeping insufficient records of the agreements that they have entered into with consumers.

The ACCC considers that by refusing to provide goods or services as contractually agreed, or by requiring consumers to make unexpected additional payments, funeral businesses may be at risk of misleading consumers about their contractual rights. The ACL prohibits businesses from making false or misleading representations about consumers’ rights.

⁹ It is also worth noting that ASIC has regulatory responsibility for the conduct and disclosure obligations of issuers of funeral insurance and funeral bonds. This includes the obligations to provide services efficiently, honestly and fairly and to comply with financial services laws. Further information may be found at ASIC’s [Moneysmart website](#).

Funeral businesses need to ensure there are adequate systems in place to document, verify and honour long-term consumer contracts. Where consumers provide evidence of pre-existing agreements, the ACCC expects that funeral businesses will provide funeral services in accordance with a consumer's contractual rights. Failing to do so could be a breach of contract and may also be a breach the ACL.

5 Non-disclosure of paid third-party endorsements can mislead consumers

The ACCC is also aware of concerns that third parties may be receiving commissions from some funeral companies in return for positive recommendations and/or referrals.

Box 5.1: Alleged non-disclosure of commercial relationships in the industry

Comparison websites: Some observers noted that price comparison websites receive membership fees or commissions from funeral businesses, and were concerned that these payments may influence the ranking of the funeral business in search results, or increase the likelihood of the funeral business being recommended. The ACCC has engaged with some of these website operators to inform them of their legal obligation to avoid conduct that is misleading or deceptive or is likely to mislead or deceive consumers.

Health services: Certain parties also alleged that hospital or healthcare staff are paid commissions for recommending that families use particular funeral homes if their loved one passes away. The ACCC considers that the non-disclosure of commercial relationships can distort consumer choices, as consumers may not realise that a business is being recommended to them because the recommender is receiving a commission, rather than because they are endorsing the business' standard of service.

The ACL prohibits businesses from making representations that are incorrect or likely to create a false impression. To avoid breaching the ACL, businesses should be transparent about the commissions and payments that they receive where non-disclosure may mislead consumers. The ACCC would also be concerned if the payment of commissions to third parties for endorsements detrimentally affected the broader competitive process. For example, if the payment of commissions to comparison websites or health service providers had the effect of diminishing the importance of price, service quality or reputation with respect to the broader competitive process. The ACCC would also be concerned if the payment of such commissions limited competing funeral directors' access to business referred by upstream businesses (e.g. from nursing homes, hospitals, etc.), particularly if this had the effect of materially reducing competition within the industry.

The ACCC is aware that in certain jurisdictions, including the UK, regulators have recently proposed banning funeral business' payment of commissions in return for endorsements.¹⁰

¹⁰ Competition & Markets Authority (UK), [Funerals Market Investigation - final report](#), December 2020, pp. 5-6.

6 Bundling or tying that limits consumers' access to funeral products or services

A number of consumers have complained that certain funeral businesses required them, in effect, to acquire particular products or services from other nominated businesses, often as part of a bundled or 'tied' funeral package, which may potentially be anti-competitive in effect.

Box 6.1: Alleged bundling or tying in the funeral industry

Consumers have raised concerns about alleged bundling or tying of products or services in the industry, including:

- some consumers have alleged that they were told that headstones can only be installed by businesses on a list of providers maintained by a funeral home
- other consumers have alleged that, after obtaining a quote for the installation of a headstone at a relatively lower price than was offered by their funeral business itself, they were advised that they would need to pay a large security deposit of many thousands of dollars if they used that third party stonemason (which effectively made the third party provider's quote uncompetitive).

This conduct may raise competition law concerns if funeral directors' policies or contractual requirements restricted competing providers' access to customers – and thereby blocked their ability to enter or expand into relevant markets for the supply of headstones and other relevant products and services. There may also be significant detriment to consumers if they are required to acquire services at higher prices from businesses nominated by funeral businesses than from alternative providers that consumers have researched and contacted themselves.

The ACCC encourages businesses in the funeral services sector to be mindful of the competitive effects of any bundling or tying of products and services. The ACCC will continue to consider the competitive effects of bundling or tying in the funeral services sector on a case-by-case basis to determine whether such conduct may amount to a substantial lessening of competition.

Addressing competition and consumer issues in the funeral services sector

The ACCC's review of competition and consumer issues in the funeral services sector has highlighted a range of issues that require action by businesses. The ACCC strongly encourages businesses in the sector review their promotional materials, business processes and training materials for staff to ensure that:

- pricing information is as clear and transparent as reasonably possible
- contract and invoice terms and conditions are fair and reasonable
- any ownership claims are accurate
- adequate systems are in place to document, verify and honour long-term consumer contracts, which often are the result of the pre-payment of funeral services.

Businesses should also be mindful of the competitive effects of paying commissions in return for recommendations, and similarly, the competitive effects of any bundling or tying of products and services. The ACCC would be concerned if any such conduct was to diminish competition between providers in the industry. In certain circumstances, such conduct may raise concerns under the CCA.

The ACCC has taken action against a number of businesses in the funeral services sector for different contraventions of the ACL. We will continue to enforce the law to target a range of conduct highlighted in this report.

The ACCC will also continue to actively monitor reports to us about potentially anti-competitive conduct in the sector and will take action where appropriate. We encourage consumers and funeral industry participants to contact us to report any concerns about businesses' practices.



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