



Attorney-General and Minister for Justice
Minister for Women and Minister for the Prevention of
Domestic and Family Violence

02 AUG 2022

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Mr Matt Hansen
President
Australian Funeral Directors Association, Queensland Division
membership@afda.org.au

Dear Mr Hansen

Thank you for your correspondence dated 10 June 2022 regarding Queensland's new Funeral Pricing Regulation 2022 (the Regulation).

The introduction of these rules followed a consultation process seeking community and business views on the issue of funeral price transparency in Queensland. The community reported that organising a funeral is an extremely emotional and often stressful process which can be made even more stressful when information on funeral costs and products is not clear or easy to understand.

After considering the outcomes of the consultation, and national and international movements towards legislated price transparency for funerals, the Queensland Government decided to proceed with the Regulation to provide more protections for consumers.

I note from your correspondence the Australian Funeral Directors Association (AFDA) supports the new Regulation and I thank your organisation and its members for this. I also note your organisation is seeking clarification around certain matters associated with this reform and you have suggested a Frequently Asked Questions (FAQ) document may be of assistance. As the Regulation is administered by the Office of Fair Trading (OFT), a copy of your correspondence has been referred to it for consideration.

I am advised the OFT has been communicating information about the Regulation to businesses associated with funeral services for several months and has also published information and resources on its website, via its social media channels and in e-newsletters. The OFT has noted your suggestion that these resources could be expanded through the provision of a FAQ document, which has been developed and is available via its website at www.qld.gov.au/fairtrading. A link to this document was also included in an email the OFT sent out to businesses and organisations associated with the funeral industry in Queensland, including the AFDA.

The OFT has also advised that it has considered your feedback about its use of the term 'itemised quotes' in its communication activities and your concern this may cause confusion given that term is not used in the Regulation.

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The OFT has explained this term was used as a way to succinctly communicate the requirements under Regulation 5, *Provision of information to consumers about proposed agreement*. This stipulates that a funeral director must not enter into an agreement for the supply of goods or services for the burial or cremation of a body unless they have given the customer the price of each of the particular goods and services that will be supplied under the agreement. The cost of any disbursements payable under the agreement and the total amount payable under the agreement must also be given to the consumer.

The OFT has also considered your request for advice as to whether or not a funeral director must provide a quote to a client with whom they do not wish to do business. The agency has explained that while the funeral director will still need to make the prices of the goods and services listed in the Regulation as "funeral information" available to the client under Regulation 4, the funeral director will not need to provide them with a quote under Regulation 5. The OFT noted that while it is not able to provide specific legal advice, because every situation is different, in general terms all traders are free to determine who they will and will not do business with as long as they do not breach discrimination laws. Information about discrimination laws is available from the Queensland Human Rights Commission's website at www.qhrc.qld.gov.au.

I am advised Mr Brad Walker, Manager, OFT Program Strategy and Development, has discussed these issues with you. I understand you are satisfied with the approach taken and that you expressed thanks to the OFT for its swift attention.

I hope this information has clarified these issues for your organisation.

If you have any questions in relation to the above, I invite you to contact Ms Sharon Simmers, Acting Executive Director, OFT, Department of Justice and Attorney-General, on (07) 3738 8776 or at sharon.simmers@justice.qld.gov.au.

Yours sincerely



Shannon Fentiman MP

Attorney-General and Minister for Justice

Minister for Women and Minister for the Prevention of Domestic and Family Violence

Member for Waterford