



Western Australia

Fair Trading Act 2010

**Fair Trading (Funeral Pricing Code of Practice)
Regulations 2022**

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Fair Trading (Funeral Pricing Code of Practice) Regulations 2022

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Fair Trading (Funeral Pricing Code of Practice) Regulations 2022

1. Citation

These regulations are the *Fair Trading (Funeral Pricing Code of Practice) Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 May 2023.

3. Code of practice prescribed

- (1) In this regulation —
funeral director has the meaning given in clause 1 of the code of practice set out in Schedule 1.
- (2) The code of practice set out in Schedule 1 is prescribed under section 45 of the Act as a code of practice that applies in relation to the supply of goods and services by funeral directors for burials and cremations.

4. Expiry of regulations

These regulations expire on 1 May 2026¹.

Schedule 1 — Funeral Pricing Code of Practice 2022

[r. 3(2)]

1. Terms used

In this code —

business day means a day other than a Saturday, Sunday or public holiday;

funeral director has the meaning given in the Prepaid Funerals Code of Practice clause 2;

Prepaid Funerals Code of Practice means the code of practice set out in the *Fair Trading (Prepaid Funerals Code of Practice) Regulations 2020* Schedule 1.

2. Display and provision of funeral information to prospective consumers

(1) In this clause —

basic package means the combination of essential goods and services required for a burial or cremation, whether or not the goods and services are supplied by the funeral director;

funeral information, in relation to the supply of goods and services by a funeral director for burials and cremations, means the following —

- (a) the price of each of the following, to the extent that the funeral director supplies these goods and services —
 - (i) the transport of the body prior to burial or cremation;
 - (ii) the storage of the body at a mortuary or holding room;
 - (iii) the hire of a refrigeration plate;
 - (iv) each type of coffin, casket or shroud supplied (or the price range of all coffins, caskets or shrouds supplied);
 - (v) the care and preparation of the body prior to burial or cremation;
 - (vi) viewing of the body prior to burial or cremation;

- (vii) the arrangement and conduct of a funeral service (including hire of the venue);
 - (viii) the burial or cremation of the body;
 - (b) the location of the mortuary or crematorium used by the funeral director;
 - (c) if the funeral director uses a mortuary or crematorium that is not owned or managed by the funeral director, the name of the owner or manager;
 - (d) a reasonable estimate of the following disbursements —
 - (i) the cost of obtaining a death certificate;
 - (ii) the cost of obtaining any other certificate or permit required under the *Births, Deaths and Marriages Registration Act 1998*, the *Cremation Act 1929*, the *Public Health Act 2016* or any other written law, in relation to the body;
 - (iii) any fee charged by a cemetery or crematorium for a burial or cremation;
 - (e) an estimate of the price of the basic package for a burial and for a cremation arranged by the funeral director, and a list of the goods and services constituting the package;
 - (f) how a body is transported prior to burial or cremation.
- (2) A funeral director must prominently display the funeral information in relation to the supply of goods and services by the funeral director —
 - (a) at each place of business of the funeral director; and
 - (b) on a website of the funeral director.
- (3) A funeral director must provide a person with the funeral information in relation to the supply of goods and services by the funeral director —
 - (a) within 2 business days after receiving a request from the person for information about a burial or cremation, or within another period agreed between the person and the funeral director; and
 - (b) before entering into an agreement with the person for the supply of goods and services for a burial or cremation, but

cl. 3

only if the person has not already been provided with the funeral information under paragraph (a).

3. Provision of specific information to consumers before entering into agreement for provision of funeral services

Before entering into an agreement with a person for the supply of goods and services for a burial or cremation, a funeral director must provide the following information to the person —

- (a) the price of each of the particular goods and services that will be supplied to the person under the agreement;
- (b) the cost of any disbursements that will be payable by the person under the agreement;
- (c) the total amount payable under the agreement.

4. Effect of this code

This code does not prevent a funeral director from supplying —

- (a) any goods and services for a burial or cremation not referred to in this code; or
- (b) goods and services for a burial or cremation in the form of a package.

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Notes

This is a compilation of the *Fair Trading (Funeral Pricing Code of Practice) Regulations 2022*. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Fair Trading (Funeral Pricing Code of Practice) Regulations 2022</i>	SL 2022/184 8 Nov 2022	r. 1 and 2: 8 Nov 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2023 (see r. 2(b))

Other notes

¹ These regulations expire on 1 May 2026 (see r. 4).

Defined terms

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
basic package	Sch. 1 cl. 2(1)
business day	Sch. 1 cl. 1
funeral director.....	3(1), Sch. 1 cl. 1
funeral information	Sch. 1 cl. 2(1)
Prepaid Funerals Code of Practice	Sch. 1 cl. 1