



Western Australia

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

Compare between:

[08 Nov 2022, 00-a0-00] and [01 May 2023, 00-b0-02]



## 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, 4. — Have not come into operation.]~~

### 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 ~~has~~.

(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 2026<sup>1</sup>.

## 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 ~~owne~~ 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**

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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 ~~operation.~~ 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. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

### Compilation table

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

### ~~Uncommenced provisions table~~

~~To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.~~

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

**Other notes**

<sup>1</sup> [These regulations expire on 1 May 2026 \(see r. 4\).](#)