

Fair Trading Amendment (Mandatory Funeral Industry Code) Bill 2008

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Fair Trading Act 1987* (**the Principal Act**) to provide for the establishment by regulation of a mandatory code of conduct for the funeral industry.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the *Fair Trading Act 1987* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 [2] substitutes section 60ZA and inserts a new section 60ZAA. Proposed section 60ZA enables regulations to be made to establish a funeral industry code of conduct that prescribes rules that must be observed by suppliers of funeral goods and services. A funeral industry code of conduct may also establish a system of registration of suppliers of funeral goods and services and may provide that a person is prohibited from supplying funeral goods and services unless registered in accordance with the regulations. A funeral industry code of conduct may also provide for the qualifications required for registration, the imposition of conditions on registration, the cancellation or suspension of registration and the review of decisions made in respect of registration. The proposed section makes it an offence for a person, in connection with a supply to a consumer of funeral goods and services, to fail to comply with a funeral industry code of conduct. Proposed section 60ZAA provides for an action for damages under Part 6 of the Principal Act to be available to a person who has suffered loss or damage because of a supply of funeral goods or services in contravention of proposed section 60ZA (thereby extending the existing provision that applies in relation to a contravention of section 60Z).

Schedule 1 [1] and [3]–[5] make consequential amendments to section 60Z and Schedule 5.