

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 Act**) to enable the regulations to prescribe an information standard to require the provision of information to consumers about funeral goods and services by providers of those goods and services.

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 giving 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 [1] inserts a new Part 5F into the Act comprising the following provisions:

Proposed section 60Z enables regulations to be made prescribing an information standard for funeral goods and services. The standard can impose requirements for the provision of information to consumers about funeral goods and services by the providers of those goods and services, including requirements as to the form and manner in which information is to be provided.

Proposed section 60ZA makes it an offence for a person, in connection with a supply to a consumer of funeral goods or services for which an information standard is prescribed in accordance with proposed section 60Z, to fail to comply with that standard. An action for damages under Part 6 of the Act will be available to a person who has suffered loss or damage because of a supply of goods or services in contravention of proposed section 60ZA.

Schedule 1 [2]–[10] make consequential amendments to Part 6 (Enforcement and remedies) of the Act.

Schedule 1 [11] inserts proposed clause 11H into Schedule 5 to the Act. It provides that the new Part 5F does not apply to a supply of funeral goods or services that occurs pursuant to an arrangement entered into with a consumer before a relevant information standard is first prescribed under that Part.

Schedule 1 [12] enables regulations of a savings and transitional nature to be made consequent on the enactment of the proposed Act.