

29 July 2019

Fair Trading Regulation 2019
Better Regulation Division, Regulatory Policy
McKell Building
Level 5, 2 – 24 Rawson Place
SYDNEY NSW 2000

By email: FTR@finance.nsw.gov.au

Dear Sir / Madam

Thank you for the opportunity to comment on the draft Fair Trading Regulation 2019. The following comments are confined to Division 2: Funeral goods and services.

Firstly, InvoCare supports the intention of the regulation to provide better and more complete information to consumers to assist them making an informed decision at a very difficult time in their life.

A funeral is a very individual event in many consumers lives with families opting for a bundle of goods and services which are often quite distinct to satisfy their needs and often, the wishes of the deceased. While each funeral service will contain a similar set of goods and services each service will also have quite distinct and bespoke requirements.

The description of funeral goods and services contained with Reg 7(2) seems appropriate as a summary of the basics of a funeral.

However, the requirements of Reg 8(4)(a) when read in conjunction with s8(1) cause some concerns in practice. A current price list for a single brand operating in the Sydney metropolitan area runs to 36 pages. This raises four separate concerns:

- If you simply focus on coffins, for example, and quote a range as permitted by s8(4)(a) the range would be from \$250 to \$44,095. The lowest cost item is for an infant's coffin and the highest cost item is for a very top line coffin (primarily requested for culturally significant services).
- The price list for professional fees (generally covering the arrangement and conduct of the funeral services, standard care, transport and preparation, storage and the completion necessary paper work – Reg 7(2) (a), (b), (c) and (d)) provides fees based on time of day and day of the week and includes graduated pricing depending on the characteristics of the deceased. For example, infant and children funerals are charged at much lower prices than adult funerals. Again, a range is not appropriate because we would not provide an adult funeral at the

same price as an infant's. To see a range when most of the range would not apply could be misleading.

- Alternatively, if the entire price list was published it would confuse most consumers with its the terminology. For example, different prices are charged for dual services where there are two stops, one at a church and the second at a cemetery or crematorium.
- Many items in the Reg 7(2) list are rarely taken in isolation from the others and are usually included in a professional fee which usually covers doing a lot of the legwork for the customers. For example:
 - Reg 7(2)(a) and (b) the attendance to get the death certificate and collection of permits are always included in the professional fee and outlays such as cost of the certificate are a disbursement;
 - Reg 7(2)(c) are always included in the professional fee – but transportation beyond a certain distance is charged at a specific rate (and could be disclosed);
 - Reg 7(2)(d) and (f) are virtually always included in the professional fee.
 - It is possible that someone may ask only for storage of a body, but that would be very rare and is something which could be quoted on at the time.

Note the words in Reg 8(4) under the definition of funeral price information “(a) the price (or the price range) of each of the funeral goods and services offered.” (*our underlining*). We suggest you include a specific regulation after 8(1) which allows compliance with Reg 8(1) if prices are given (or a range) which ‘bundle ‘ the usual services with a requirement that it be made clear that additional items (such as long distance transport) will be an additional cost and to enquire. The bundle price should also state what is included. We should then be required to stipulate that pricing be published for a typical adult funeral provided by that brand with a high and low-end price for the main items typically included in a typical adult funeral service.

Thank you for the opportunity to comment on this regulation.

Yours faithfully

Damian MacRae
Chief Operating Officer