



New South Wales

# Fair Trading Amendment (Funeral Goods and Services) Act 2007 No 36

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New South Wales

# **Fair Trading Amendment (Funeral Goods and Services) Act 2007 No 36**

Act No 36, 2007

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An Act to amend the *Fair Trading Act 1987* with respect to the provision to consumers of information about funeral goods and services; and for other purposes.  
[Assented to 4 July 2007]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Fair Trading Amendment (Funeral Goods and Services) Act 2007*.

**2 Commencement**

This Act commences on the date of assent to this Act.

**3 Amendment of Fair Trading Act 1987 No 68**

The *Fair Trading Act 1987* is amended as set out in Schedule 1.

**4 Repeal of Act**

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1 Amendments

(Section 3)

### [1] Part 5F

Insert before Part 6:

## Part 5F Funeral goods and services

### 60Z Provision of information to consumers

- (1) The regulations may prescribe an information standard for funeral goods and services.
- (2) The information standard may make provision for or with respect to requiring information to be provided to a consumer by a supplier of funeral goods and services in connection with the supply in trade or commerce of funeral goods or services to the consumer.
- (3) The information standard may include requirements with respect to the form and manner in which information is to be provided to a consumer.
- (4) This section does not limit section 38 (Prescribing of product information standards).
- (5) In this Part, *supply* includes proposed and prospective supply and offer to supply, and *supplier* has a corresponding meaning.

### 60ZA Compliance

- (1) A person must not, in trade or commerce, in connection with the supply to a consumer of funeral goods or services fail to comply with an information standard prescribed under section 60Z.
- (2) If a person contravenes subsection (1) in connection with the supply of funeral goods or services by the person and another person suffers loss or damage as a result of the contravention, the person who suffers the loss or damage is deemed, for the purposes of this Act, to have suffered it by the supplying of the goods or services.

### 60ZB Review of Part

- (1) The Minister is to review the effectiveness of this Part and any information standard prescribed under this Part.
- (2) The review is to be undertaken as soon as possible after the period of 3 years from the date of commencement of this Part.

- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 3 years.

**[2] Section 62 Offences against this Act**

Insert “, 5F” after “5D” in section 62 (6).

**[3] Section 65 Injunctions**

Insert “, 5F” after “5E” in section 65 (1) (a).

**[4] Section 66 Other injunctions**

Insert “, 5F” after “5E” in section 66 (1) (a) (i).

**[5] Section 67 Order to disclose information or publish advertisement**

Insert “, 5F” after “5E”.

**[6] Section 68 Actions for damages**

Omit “or 5E” from section 68 (1). Insert instead “, 5E or 5F”.

**[7] Section 69 Finding in proceedings to be evidence**

Omit “or 5E”. Insert instead “, 5E or 5F”.

**[8] Section 71 Defences**

Insert “, 5F” after “, 5D” in section 71 (1).

**[9] Section 72 Other orders**

Omit “Part 3, 4, 5, 5B, 5C, 5D or 8” wherever occurring.

Insert instead “Part 3, 4, 5, 5B, 5C, 5D, 5F or 8”.

**[10] Section 72**

Omit “Part 3, 4, 5, 5B, 5C, 5D, 5E or 8” wherever occurring.

Insert instead “Part 3, 4, 5, 5B, 5C, 5D, 5E, 5F or 8”.

**[11] Schedule 5 Savings and transitional provisions**

Insert after clause 11G:

**11H Fair Trading Amendment (Funeral Goods and Services) Act 2007**

Part 5F, as inserted by the *Fair Trading Amendment (Funeral Goods and Services) Act 2007*, does not apply to a supply of funeral goods or services as referred to in that Part that occurs pursuant to an arrangement entered into with a consumer before an information standard that is relevant to the supply is first prescribed under that Part.

**[12] Schedule 5**

Insert at the end of clause 12 (1):

*Fair Trading Amendment (Funeral Goods and Services) Act 2007*

[Agreement in principle speech made in Legislative Assembly on 7 June 2007  
Second reading speech made in Legislative Council on 28 June 2007]

BY AUTHORITY