



Attorney-General and Minister for Justice
Leader of the House

In reply please quote: FTP-1919810, 5177962

22 May 2020

Mr Neil Laurie
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Dear Mr ~~Laurie~~ Neil

Thank you for your letter dated 23 April 2020 regarding Petition No. 3256-19, tabled in the Legislative Assembly on 22 April 2020, which seeks increased regulation of the Queensland funeral industry.

The Queensland Government understands the serious and sensitive role carried out by individuals and businesses working in the funeral services industry. While the Government does not intend to introduce additional, industry-specific regulation of the funeral services industry at this time, I trust the following information about existing legislation will be of assistance.

I note that there are variations across the Australian states and territories in terms of regulation of the funeral services industry. In Queensland, all funeral services providers are required to comply with legislation relevant to their activities, including laws relating to health, safety, consumer protection and reporting. These include the *Births, Deaths and Marriages Registration Act 2003* (BDMR Act), *Coroners Act 2003*, *Cremations Act 2003*, *Fair Trading Act 1989* (including the Australian Consumer Law), *Funeral Benefit Business Act 1982* and *Work Health and Safety Act 2011*. Criminal laws and local government requirements are also relevant to funeral services.

Existing laws not only help ensure funeral industry participants behave properly but also aim to protect Queensland consumers against wrongdoing. For example, funeral directors have specific obligations under the BDMR Act, to notify the Registrar of Births, Deaths and Marriages of the disposal of a deceased person's body. A person moving a deceased person's body out of Queensland is also required to notify the Registrar.

From an industry supervision perspective, the Coroners Court of Queensland (CCQ) administers standing offer arrangements (SOA) with 33 funeral directors for certain conveyancing and funeral services. Strict conditions govern the SOA, with any substantiated breaches, including inappropriate practices, acted upon accordingly. Any complaints about the services delivered by government contracted funeral directors can be made in writing to the CCQ. All complaints are investigated through an enquiry process and written performance discussion. If necessary, further action is taken in response to substantiated complaints.

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The Queensland Audit Office performance audit, tabled in late 2018, recommended that the Department of Justice and Attorney General improve the performance monitoring and management of contracted funeral directors. The 2019-20 State budget provided funding to the CCQ to assist it to develop a more proactive approach to the management of government contracted funeral directors. This approach includes developing a new contract management framework that will embed proactive monitoring of performance of government undertakers and trialling a voluntary assurance program co-designed with the funeral industry.

The petitioners may also be interested to know that the voluntary Queensland Funeral Industry Code of Conduct (the Code) for the broader industry was developed by the Department of Justice and Attorney-General in collaboration with peak industry representatives and released in September 2013. The purpose of the Code is to promote high standards in the funeral services industry, including by assisting industry and consumers understand their rights and responsibilities.

The Queensland Government encourages all funeral service providers to adopt the voluntary Code to demonstrate their commitment to best practice. The Office of Fair Trading (OFT) provides information about the Code, along with information and resources for service providers and consumers on its website at: www.qld.gov.au/law/fair-trading.

In terms of more general consumer protection, the Australian Consumer Law (ACL) contains general and specific consumer protections that apply broadly across the marketplace, including to funeral services providers. Among other consumer protections, the ACL also prohibits misleading, deceptive or unconscionable conduct in trade or commerce. The OFT, along with the Australian Competition and Consumer Commission are responsible for ensuring that businesses abide by the requirements set out in the ACL.

The OFT assesses and, if necessary, investigates specific complaints where an allegation is made that a contravention of consumer laws has occurred. Where contraventions of consumer laws are substantiated, the OFT takes appropriate compliance and enforcement action. Consumers can find out more about making a complaint to the OFT by visiting: www.qld.gov.au/law/fair-trading.

Yours sincerely



STIRLING HINCHLIFFE MP
Acting Attorney-General and Minister for Justice