



New South Wales

Funeral Funds Amendment (Fees) Regulation 2017

under the

Funeral Funds Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Funeral Funds Act 1979*.

MATT KEAN, MP
Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to amend the *Funeral Funds Regulation 2016* as follows:

- (a) to increase certain fees payable in connection with the administration of the *Funeral Funds Act 1979* in respect of funeral contribution funds and pre-paid funeral funds,
- (b) to provide for a mechanism for the automatic adjustment for inflation of those fees in future.

The fee increases effected by this Regulation are generally in line with movements in the Consumer Price Index (rounded to the nearest dollar).

This Regulation is made under the *Funeral Funds Act 1979*, including section 92 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Funeral Funds Amendment (Fees) Regulation 2017*.

2 Commencement

This Regulation commences on 1 July 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Funeral Funds Regulation 2016

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

fee unit—see Part 2 of Schedule 4.

[2] Clause 19 Fees

Insert “Part 1 of” before “Schedule 4”.

[3] Schedule 4

Omit the Schedule. Insert instead:

Schedule 4 Fees

(Clause 19)

Part 1 Fees payable

Item	Section of Act	Type of fee	Fee (in fee units)
1	12 (2)	Application to carry on contributory funeral benefit business	5.27
2	15 (2)	Application for approval of alteration of, or addition to, the rules of a funeral contribution fund	1.74
3	24 (1)	Lodging a return and any accompanying documents in respect of a funeral contribution fund	0.69
4	49G (1)	Lodging a return and any accompanying documents in respect of a pre-paid funeral fund	0.69
5	32 (2)	Application for confirmation of a scheme for transfer or amalgamation of the contributory funeral benefit business of any funeral contribution fund	0.69
6	35 (2)	Application for registration as a trustee of a trust fund under a pre-paid contract	5.27
7	38 (1)	Confirmation of appointment of a substitute or an additional trustee of a trust fund under a pre-paid contract	0.69
8	42 (3)	Application for confirmation of a scheme for transfer of a trust fund under a pre-paid contract	0.69
9	49C (2)	Lodging a copy of an auditor’s report on the records of a pre-paid funeral fund	0.69
10	49I (a) or 88 (a)	Inspection of any return or document lodged under section 49G or 24 of the Act	0.20
11	49I (b) or 88 (b)	Provision of a copy of a return or document, or part of a return or document, certified to be a true copy—per page	0.02
12	86 (1)	Application for an enlargement or abridgement of time for the doing of any act required by or under the Act to be done by a funeral fund	0.69

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part:

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a **fee unit** is:

- (a) in the financial year 2017–18—\$100, and
- (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

- (2) The amount of a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar (and an amount of 50 cents is to be rounded down).

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to:
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.