

Passed by both Houses



New South Wales

Fair Trading Amendment (Funeral Goods and Services) Bill 2007

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2007*



New South Wales

Fair Trading Amendment (Funeral Goods and Services) Bill 2007

Act No , 2007

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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- (1) This Act is repealed on the day following the day on which this Act commences.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.

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