

Fair Trading (Funeral Pricing) Regulation 2022

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Fair Trading (Funeral Pricing) Regulation 2022* made under the *Fair Trading Act 1989*.

In my opinion, the *Fair Trading (Funeral Pricing) Regulation 2022*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Fair Trading (Funeral Pricing) Regulation 2022* provides mandatory requirements for the display and provision of upfront prices for funeral goods and services. In particular, the *Fair Trading (Funeral Pricing) Regulation 2022* will:

- require a funeral director to display upfront funeral price information in relation to the goods and services offered by the funeral director, at the funeral director's place of business and on-line if the business has a website;
- require a funeral director to provide a person that asks about the funeral director's goods and services with information about the goods and services:
 - within 48 hours after the person asked for the information (or a longer period if agreed); and
 - prior to an agreement being entered into for the supply of goods and services; and
- prohibit funeral directors from entering into agreements with a person in relation to the supply of goods and services for the burial or cremation of a body, unless information about the price of each of the goods and services; the costs of any disbursements that will be payable; and the total amount payable by the person have been provided to the person.

Section 113 of the *Fair Trading Act 1989* authorises regulations to be made by the Governor in Council. The objective of the *Fair Trading Act 1989* is to:

- improve consumer wellbeing through consumer empowerment and protection, fostering effective competition and enabling the confident participation of consumers in markets in which both consumers and suppliers trade fairly.

The *Fair Trading (Funeral Pricing) Regulation 2022* supports the objectives of the *Fair Trading Act 1989* by increasing clarity and transparency of prices to consumers, empowering consumers and creating a fairer marketplace.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*).

The *Fair Trading (Funeral Pricing) Regulation 2022* provides a funeral price transparency framework that will be beneficial to consumers.

No human rights have been identified as being engaged by the *Fair Trading (Funeral Pricing) Regulation 2022*.

Conclusion

I consider that the *Fair Trading (Funeral Pricing) Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

SHANNON FENTIMAN MP
ATTORNEY-GENERAL AND MINISTER FOR JUSTICE
MINISTER FOR WOMEN
MINISTER FOR THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE

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