

Funerals | NSW Fair Trading

 fairtrading.nsw.gov.au/buying-products-and-services/buying-services/funerals

24-01-2023

The death of a loved one is often painful and overwhelming. Funerals provide an opportunity to remember your loved one, celebrate their life and grieve with others. If you are arranging their funeral, there are some things to consider and steps to take.

Use this guide and [checklist](#) when you need to arrange a funeral.

On this page:

- [What do do first](#)
- [Funeral products and services](#)
- [Your consumer rights](#)
- [Advice if you have a problem](#)

What to do first

First, you should find out if your loved one has pre-arranged their funeral or purchased a grave site. Details might be found in the person's home, or in the person's Will. The NSW Government provides [advice on finding a Will](#). If you cannot find details of funeral arrangements, you will need to arrange the funeral yourself.

Then consider:

1. Have any financial arrangements been made to pay for the funeral such as a [funeral bond](#), [insurance](#) or [pre-paid funeral](#)?
2. Does the deceased have a pre-paid grave?
3. Is there enough money in the deceased person's bank account to pay for the funeral and have you contacted the bank about accessing the funds?
4. Are there any sickness, accident, life, superannuation or private health insurance policies which may make a payment towards the funeral?
5. Was the deceased a returned service person or did they belong to any club, pensioner association or trade union, which may entitle them to a funeral benefit?

If you or the deceased person received payments from Centrelink, you may be entitled to [bereavement payment](#) or allowance. Visit the [Centrelink website](#) to learn more.

"It is important to ensure that your family/legal representatives are aware that you have entered into a funeral plan. Remember to keep all your paperwork and contract in a safe place."

Funeral products and services

Using a funeral director

There is no legal requirement to use a funeral director but they can offer comfort, support and advice during the funeral planning process.

Funeral directors usually provide these services:

- collect and lodge legal documents
- collect and care for the body
- supply the coffin or casket
- contact the cemetery or crematorium and arrange the date and time of the funeral
- arrange floral tributes, newspaper notices and other matters if required
- provide a hearse and (if required) other vehicles for family and friends
- pay the various fees involved (called disbursements), including cemetery/crematorium fees, minister or celebrant fees etc
- complete registration of death with [NSW Births Deaths and Marriages](#).

Funeral directors do not need a licence and can set up business without any specific training or qualifications. Some funeral directors may also take commissions for using certain products or suppliers. [Know your rights](#), do your research and ask your family and friends for recommendations so you find the funeral director right for your needs.

Funeral directors are required by law to provide you with details of the funeral goods and services to be supplied, and a reasonable estimate of the cost of each. They must also provide you with the cost of any disbursements for the burial or cremation. For more information see the [information standard](#) page. Most funeral directors require payment in full before the funeral.

[Cemeteries & Crematoria NSW](#) regulates cemetery and crematoria operators, and provides information on [planning for burial, cremation and ways to remember life](#).

Getting a written quote

Funeral costs in Australia vary widely depending on how simple or elaborate they are. You may want to include or exclude certain non-essential elements of the funeral depending on preferences or customs. Talk to two or more directors to discuss options, ask any questions you may have, and get a quote.

Funeral directors might act like other businesses. For example, their staff may have sales targets, or they may have commission or referral arrangements with suppliers. NSW [requires businesses to disclose](#) if they have commission or referral arrangements with

another supplier.

Funeral directors are required by the **funeral information standard** to display at their place of business their least expensive funeral package as well as itemised cost of goods and services.

Here is an example of a written agreement (as an itemised quote) showing the way each funeral cost may be displayed. Use this to help you work out how much you need to pay.

Entering into an agreement and paying for a funeral

If you agree to the quote and wish to go ahead with the funeral director and their services, you will need to sign an agreement (contract).

Before you sign an agreement or contract with a funeral director, consider the costs and find out what money is available to help you pay for the service.

Money to pay for a funeral could come from:

- a funeral fund the deceased person may have paid into
- the estate (assets of the deceased person, including any money) - check with the bank if they will allow money in the deceased person's account to be used to pay for funeral expenses before probate is granted, when the rest of the estate can be accessed
- a pre-paid benefit or investment scheme, superannuation fund or life insurance
- the Commonwealth Department of Veterans Affairs if the deceased is a returned service person (they may also be eligible for an official war grave)
- a health fund, trade union, pensioner association or other type of club that they belonged to
- Centrelink bereavement assistance.

Read the terms and conditions and look out for clauses about interest or late fees. Ask the funeral director to go through all the fees that may apply. You can get someone else to help you review quotes and terms and conditions, given this can be stressful.

For more information, refer to our contracts page.

Relevant laws

Funeral directors in NSW are subject to:

- public health, local government and work health and safety legislation
- Australian Consumer Law and the Fair Trading Act 1987
- the Funeral information standard in the Fair Trading Regulation 2019
- the Funeral Funds Act 1979.

Not using a funeral director

Think about which activities are needed for the funeral you are planning. You can also ask for advice from family or friends who have organised a funeral. Some activities, such as registering the death, have legal requirements and are marked with an 'L' on the **funeral checklist**. Further information can be found on the [NSW Health website](#) and [Cemeteries & Crematoria NSW website](#). Think about which activities are needed for the funeral you are planning.

Contributory and pre-paid funerals

Some people make pre-payments towards the cost of their funeral. There are two types of pre-paid funeral arrangements:

1. Contributory

In a contributory fund, the consumer makes small regular payments to go toward part or all of a funeral service with a particular funeral director. Entitlement may vary between contributory funeral funds and will be set out in detail in the fund's constitution.

List of contributory funds:

- Aboriginal Community Benefit Fund Pty Ltd (in liquidation)
Aboriginal Community Benefit Fund
PO Box 1188
COOLANGATTA QLD 4225
- ACBF Funeral Plans Pty Ltd (in liquidation)
Aboriginal Community Funeral Plan
PO Box 1188
COOLANGATTA QLD 4225
- Australian Muslim Welfare Centre Funeral Fund Pty Ltd
19/296 Marrickville Road, MARRICKVILLE NSW 2204
- Community Funeral Plans Pty Ltd (in liquidation)
Community Funeral Plan
PO Box 1188
COOLANGATTA QLD 4225
- Darkinjung Funeral Fund Pty Ltd
PO Box 401
WYONG NSW 2259
- Labor Funerals Contribution Fund Pty Ltd
Level 2, 40 Miller Street
NORTH SYDNEY NSW 2060
- M Mortality Fund Pty Limited
Unit 42, 1 Macquarie Street
PARRAMATTA NSW 2150
- Metropolitan Burial & Cremation Society Funeral Contribution Fund Pty Ltd
Level 2, 40 Miller Street
NORTH SYDNEY NSW 2060

- Unions NSW Funeral Contribution Fund
Suite 802, Level 8, 377 - 383 Sussex Street
SYDNEY NSW 2000

2. Pre-paid

This involves selecting a funeral director, making decisions about the type of funeral that you would like and then paying for that funeral at today's prices, usually in one lump sum or several instalments. The money is then forwarded to a funeral fund registered with NSW Fair Trading.

When you are considering a contributory or pre-paid funeral fund, the business must provide you with information on each component supplied under the contract and the cost of those components before you enter into an agreement. This information should also detail the services not covered by the contract.

The company must transfer money received to a registered funeral fund within 10 days.

All pre-paid and contributory funeral funds in NSW must be registered with Fair Trading. Registered funds are required to:

- invest all the money paid in secure investments
- lodge annual reports with NSW Fair Trading
- be separate from a funeral director company
- provide you with an annual report that details the amount you paid into the fund in the previous year and specifies the amount you'll be entitled to upon your death, as at the date on the report.

List of pre-paid funds:

Australian Funeral Fund Management Pty Ltd

The Pre-Paid Funeral Fund Trust
PO Box 5661
Q SUPERCENTRE QLD 4218

Australian Pre-Arranged Funeral Plan Pty Ltd

Australian Pre-Arranged Funeral Plan
14 - 20 Delhi Road MACQUARIE PARK NSW 2113

Certane CT (NSW) Pty Ltd

Remembrance Pre-arranged Funeral Plan
Remembrance Pre-arranged Funeral Plan No 2
Simplicity Independence Pre-Paid Funeral Pan
Funeral Funds of Australia Trust No 2
Locked Bag 3015
AUSTRALIA SQUARE NSW 1215

Certane CT Pty Limited

Funeral Funds of Australia Trust
Locked Bag 3015
AUSTRALIA SQUARE NSW 1215

Palmdale Memorial Park & Crematorium Pty Ltd

Palmdale Memorial Park & Crematorium Funeral Fund
PO Box 55
OURIMBAH NSW 2256

Perpetual Trustees Consolidated Ltd

Beresfield Funeral Fund
GPO Box 4172
SYDNEY NSW 2001

Total Care Funeral Plan Ltd

Total Care Funeral Plan
14 - 20 Delhi Road
MACQUARIE PARK NSW 2113

Pre-paid products

You can prepay for a grave plot, a wall niche or a place in a memorial garden. This is typically purchased directly from a cemetery or crematorium.

Some funeral directors limit pre-paid schemes to items of the funeral they have control over such as personal services and the coffin. This might not include the burial or cremation.

Funeral directors must give you a 30-day cooling-off period when you enter a pre-paid funeral contract . Generally, you can cancel the contract within the cooling-off period without incurring a financial penalty.

Make sure you understand your rights and obligations and what the cost covers before you buy a pre-paid funeral arrangement. If you have any concerns about the arrangement, seek independent legal or financial advice.

Pre-paid funerals and pre-purchased cemetery plots are exempt from the assets test for Centrelink payments. Contact Centrelink on 13 23 00 or visit the [website](#) for more details.

Funeral insurance

Funeral insurance is usually purchased directly from an insurer. It involves small regular contributions for a specified cash payment on death. Age and health restrictions may apply when taking out the policy and premiums can increase to keep up with inflation or other factors.

"Like most forms of insurance, the money paid over the years cannot be refunded if you decide to cancel funeral insurance."

Funeral insurance is regulated by the Commonwealth through the [Life Insurance Act 1995](#) and [Australian Securities and Investments Commission Act 2001](#).

Funeral insurance policies fall under the jurisdiction of the [Australian Prudential Regulatory Authority](#) (APRA) and the [Australian Securities and Investments Commission](#) (ASIC).

Refer to ASIC's [MoneySmart website](#) for more information on funeral insurance and remember:

- an insurance policy isn't a savings account
- you don't get your money back
- if you stop paying, the policy ends and you don't get a refund of the money you have paid so far
- over time, you may end up paying more that you will receive from any claim.

Funeral bonds

A funeral bond allows you to set aside your own money for a funeral. The money is held as a bond and paid when the funeral is required. It cannot be withdrawn early.

The funeral bond can be in your own name, in joint names (with the benefit paid in-full upon the death of the first joint owner) or can be assigned to a funeral director.

Certain funeral bonds are exempt from the Centrelink assets test. Find out if your bonds are exempt by contacting Centrelink on 13 23 00 or visit the [website](#).

Membership benefit schemes

A number of organisations offer a payment upon the death of a member to help with funeral costs.

Under a cash benefit scheme, when a member dies, a set sum is provided for the funeral. These schemes may be a membership benefit for a particular organisation (for example, a trade union), or a contribution may have to be made to the fund before death.

Cash benefits schemes are organised on a contributory basis, that is, the member must make regular payments to the scheme to be eligible for the benefit.

It is important to remember that:

- some schemes will not pay benefits if the member failed to keep payments up to date, this could mean years of contributions may be lost and no benefit is received from that fund

- there may not be provision for the member to cash-in the contributions to the fund, in this case, the only benefit the fund offers is the contribution towards the funeral
- the benefit offered by such a scheme is limited as a set sum.

There are also non-cash benefit schemes where the funeral or cremation is performed without charge for the member. These schemes are usually run by the funeral industry itself.

Your consumer rights

Australian Consumer Law guarantees you rights when you buy goods and services. Most products and services come with an automatic consumer guarantee that the product or service you purchased will work and do what you asked for. This includes funeral products and services.

[H3] Consumer guarantees

When you engage a funeral director to provide a funeral service, you have the right to expect that their services are:

- provided with due care or skill,
- fit for any specified purpose, and
- provided in a reasonable time.

Proof of purchase and service documentation

You have the right to receive proof of purchase (like an invoice, cash register receipt, handwritten receipt or lay-by agreement).

Funeral products and services in Australia are usually supplied under a contract. You have the right to receive a written copy of any contract you sign (including its terms and conditions).

You should review the terms and conditions before signing and agreeing to use a particular director. Make sure you understand what both your and the funeral director's obligations and rights will be. If you don't understand the contract, ask for help from someone you trust, or get legal advice.

Keep this contract for your records and in case you need to refer to the contract terms during a dispute.

Advertising

Advertising can be a powerful means of persuasion, so it's important it is truthful, accurate and easy to understand. Australian Consumer Law protects consumers from deceptive advertising claims and conduct.

Businesses are not allowed to make false or misleading representations about their products or services. This includes advertising for funeral products and services.

Learn more about advertising standards.

Advice if you have a problem

You are entitled to an appropriate remedy from the funeral director if the product or service you purchased does not meet one or more of the consumer guarantees.

This might be a refund, a further service to rectify the problem and in some cases, reimbursement for damages and consequential loss.

1. Contact the funeral director in the first instance and explain the problem. We have tips and sample letters to help you take the first step.
2. If you're unable to resolve the matter with the business, check if they are a member of a professional association like the Funeral Directors' Association of NSW, the Australian Funeral Directors Association or the National Funeral Directors Association. Professional associations like these often subscribe to a code of conduct which promotes members to deliver a high standard of service and professional conduct in line with the ACL.
3. If you choose to go with a funeral director that is not a part of an association, ensure that you do your research and understand that the same guarantees under the code of conduct may not apply. However, the consumer guarantees apply to everyone.
4. If you are unhappy with the service that you have been provided, you can contact NSW Fair Trading for help on 13 32 20 or make a complaint online.

Prev Fitness and gyms

Next Health and medical services

Except where otherwise noted, content on this site is licensed under a Creative Commons Attribution 4.0 International License. To view a copy of this licence, visit: <https://creativecommons.org/licenses/by/4.0>